OFFICE OF THE DISTRICT ATTORNEY
SECOND JUDICIAL DISTRICT
STATE OF NEW MEXICO
SAM BREGMAN
DISTRICT ATTORNEY

The Second Judicial District Attorney's Office (Office) projects it will handle 26,000 cases in Bernalillo County in calendar year 2026. The fentanyl crisis is a major driver of the growing caseload and makes additional funding this legislative session critical. Of the 4,276 defendants in fentanyl-related cases, 3,299 (77 percent of total defendants) re-offended and returned to the criminal justice system. The Office will continue to work with state and local partners to cut supply by targeting fentanyl trafficking and reduce demand through prevention and access to treatment. Additional state funding will help the Office retain experienced employees and hire more prosecutors and support staff to prosecute trafficking cases, manage the growing caseloads, and provide timely support to victims.

Pre-Prosecution Diversion

The internal Pre-Prosecution Diversion Program (PPD) is a six-to-twenty-four-month diversion program that provides an opportunity for defendants to avoid being convicted of a low-level felony or misdemeanor criminal offense. PPD serves Bernalillo County residents by removing low-level offenders from the criminal justice system and placing them into treatment and rehabilitation services. Initially funded by temporary grant funding, the Bernalillo County PPD program has become the largest diversion program in the state.

This team of attorneys and probation counselors (PPD officers) work with those who are amenable to treatment and rehabilitation. PPD officers provide support and the opportunity for assistance through state resources in the criminal justice system. Successful PPD graduates have gone on to work as nurses and counselors in our community. Through diversion programs like PPD, we can produce better outcomes for the community, thereby reducing costs and ensuring safety by addressing the underlying issues for criminal behavior.

FY27 Supplemental Request
(dollars in thousands)

FY27 Supplemental	
Retention - PPD, GVRP, and SAKI	$1,500.0
Total	**$1,500.0**

Supplemental funding to address critical personnel shortfalls resulting from the loss and uncertainty of state and federal grants. Without this funding, the Office risks losing experienced personnel and disrupting three essential programs: Pre-Prosecution

FY28 Appropriation Request
(dollars in thousands)

The Office requests approximately $43 million in General Fund support to address a 42% increase in referred cases since 2022, fill critical vacancies, and preserve essential public-safety services. Funding based on a 6.75% budgeted vacancy rate would allow the Office to fill approximately 29 additional positions. The Office also requests $4.4 million for expansion priorities to strengthen critical programs that have lost grant funding or face continued uncertainty in federal support.

FY28 Request vs. FY27 Budget
(dollars in thousands)

Revenues	FY27	FY28	Differences	%
General Fund	$ 38,497.8	$ 47,066.3	$ 8,568.5	18.2%
Grants (Federal and Local)	$ 2,035.1	$ 3,459.0	$ 1,423.9	
Total	**$ 40,532.9**	**$ 50,525.3**	**$ 9,992.4**	

Note: The Office currently has 59 vacant FTE; however, the budgeted 6.75% vacancy rate provides funding to fill approximately 29 positions.

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General Fund (dollars in thousands)							
Category	**FY28**		**FY27**		**Differences**		**%**
200s	$	42,846.5	$	35,155.4	$	7,691.1	
300s	$	700.3	$	700.3	$	-	
400s	$	3,519.5	$	2,642.1	$	877.4	
Total	**$**	**47,066.3**	**$**	**38,497.8**	**$**	**8,568.5**	**22.3%**

FY28 Expansion Requests – Strengthening Public Safety and Accountability

Warrant Enforcement (dollars in thousands)		
Salaries and Benefits - 9 Positions	**$**	**1,384.0**
Equipment, Training, and Supplies	**$**	**163.0**
Total	**$**	**1,547.0**

Warrant Enforcement: Funding will establish a dedicated Warrant Enforcement Operations Unit to target violent and repeat offenders, combat fentanyl trafficking, and reduce outstanding warrants. This investment will strengthen enforcement and prosecution efforts, hold dangerous offenders accountable, and improve public safety in Bernalillo County.

Competency (dollars in thousands)		
Salaries and Benefits - 6 Positions	**$**	**781.4**
Equipment, Training, Licensing and Supplies	**$**	**138.4**
Total	**$**	**919.8**

Competency: Funding will expand the Competency Team's capacity to manage growing and increasingly complex caseloads, including misdemeanor and post-indictment cases. A centralized approach will improve case resolution, strengthen coordination with courts and behavioral health partners, and ensure more effective management of competency proceedings.

SAKI (dollars in thousands)		
Salaries and Benefits - 4 Positions	**$**	**465.9**
IT Equipment, training, HCM assessment	**$**	**406.9**
Total	**$**	**872.8**

Sexual Assault Kit Initiative (SAKI): Funding will expand New Mexico's only dedicated SAKI Unit beyond Bernalillo County to support the screening, investigation, and prosecution of backlogged sexual assault cases statewide. Building on its experience reviewing more than 5,000 cases, the Unit will pursue unresolved DNA matches, strengthen prosecutions, hold offenders accountable, and deliver long-overdue justice to sexual assault survivors throughout New Mexico.

Probation Violation Team Expansion (dollars in thousands)		
Salaries and Benefits - 6 Positions	**$**	**485.0**
IT Equipment, Training, HCM assessment	**$**	**21.0**
Total	**$**	**506.0**

Probation Violations: With probation violation filings increasing more than 50% since 2021, additional funding will expand prosecutorial and support staff capacity to meet growing demands. This investment will ensure timely case review, strengthen coordination with law enforcement, enforce court-ordered probation conditions, and improve offender accountability and public safety.

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FY28 Funding to Address District Attorney Pay Disparities

New Mexico's District Attorney offices request recurring FY28 General Fund appropriations to address pay disparities and improve recruitment and retention of attorneys and support staff statewide. A recent salary comparison shows that an Assistant Trial Attorney starts at $108,927 at the New Mexico Department of Justice, approximately $21,064 more per year, or 24 percent above the District Attorney starting salary used in the comparison. That gap puts DA offices at a disadvantage when recruiting from the same pool of qualified attorneys. When positions remain vacant or experienced staff leave, the employees who remain must absorb the workload, making it harder to cover court calendars, prepare cases, and keep victims informed. Recurring funding is needed to sustain competitive salaries from year to year so DA offices can fill vacancies, retain experienced staff, and maintain timely services for courts and victims. Recurring funding would help DA offices sustain competitive salaries and maintain these services from year to year. The recruitment challenge extends beyond New Mexico. The state's District Attorney salary midpoint for Assistant Trial Attorneys is 14 percent below the salary forecast for Dallas–Fort Worth, 25 percent below Denver's, and 20 percent below Maricopa County's.

District Attorney and NM DOJ Assistant Trial Attorney Salary Survey - November 9, 2026
FY2027

Second Judicial District Attorney	Hourly	$ Midpoint	NM DOJ	Hourly	$ Midpoint	AODA % Decrease / NM DOJ
Assistant Trial Attorney	$ 42.08	$ 87,862.82	Assistant Trial Attorney	$ 52.17	$ 108,926.57	-24%

Regional Salary Comparison - Second Judicial District Attorney vs Regional States

Second Judicial District Attorney	$ Average Salary
Assistant Trial Attorney	$ 87,863

Dallas-Ft Worth, TX	$ Salary Forecast	% Diff
Assistant District Attorney	$ 101,893	-14%

Denver, CO	$ Salary Forecast	% Diff
Assistant District Attorney	$ 117,790	-25%

Maricopa Co, AZ	$ Salary Forecast	% Diff
Assistant District Attorney	$ 109,161	-20%