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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Feb. 10, 2026
Bill No: HB 5-280

Sponsor: Janelle Anyanonu, Sarah Silva, Art De La Cruz, and Charlotte Litte
Short Title: Juvenile Justice Changes

Agency Name and Code LOPD-280
Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------------|--------------------------|
| Total | | Indeterminate but moderate | Indeterminate but moderate | Indeterminate but moderate | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **HB 125, HB 339, SB 165** (all proposing amendments to the Delinquency Act and juvenile justice)

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Section 1 would amend 32A-2-11, criteria for detention of children to state that a child taken into custody for an alleged delinquent act may be detained only in accordance with Section 32A-2-10 and only if a detention risk assessment is completed. It would require the department (CYFD) to collect and analyze data about the effectiveness of the instrument every three years and update the instrument based on the data. It would also require the department to report the effectiveness of the instrument to the legislature every year.

Section 2 would amend 32A-2-25, to provide for tolling of the period of supervised release if a child absconds and allows that time to be added to the period of supervised release.

Section 3 would amend 33-9A-1 to change the title “Juvenile Community Corrections Act to Juvenile Community *Connections* Act.”

Section 4 would amend 33-9A-2, definitions as used in the community “connections” act. It would define “child” as a person who is younger than 18. It would define “youth” as a person 18 to 26. It would define “youthful offender” within the Community Connections Act as a youthful offender who is subject to juvenile sanctions (excluding those who receive adult sanctions).

Section 5 would amend 33-9A-3, “juvenile community corrections grant fund.” It changes Subsection C to state that no more than 12 percent of the money in the fund shall be used for administration and program monitoring, up from 10 percent. Subsection D requires that the secretary promulgate rules for awarding grants for eligible programs or services for justice-involved youth that are evidence- or research-based.

Section 6 would amend 33-9A-4, “applications—criteria,” to provide that applicants for programs are research-based and incorporate best practices in risk reduction for justice-involved youth. It also prioritizes the awards of grants as follows: 1) programs focused on decreasing violence, gun violence, alcohol and substance abuse, gang activity, criminal mentality and trauma, and improving mental health and anger management; 2) programs focused on education, literacy, financial literacy, job training, apprenticeships, food justice and housing; 3) programs focused on arts, performing arts, sports, music, debate, and leadership.

Section 7 would amend 33-9A-5, “selection panels,” to establish local panels to include representatives from the judiciary, public defender department, district attorney, local schools, the department, the local police, local programs, and private citizens. It would replace the state panel with local panels for determining if a child is suitable for placement in a program.

Section 8 would amend 33-9A-6, “sentencing—services and programs” to allow a judge to order services or program participation as a condition of probation if likely to reduce recidivism, support the mental health of the child, or encourage education.

Section 9 would make small changes to 41-4-3, definitions in the tort claims act.

Section 10 would make small changes to 41-13-2, the Governmental Immunity Act.

FISCAL IMPLICATIONS

This bill appears to primarily make changes to the risk assessment data collection process, and the grant process for programs for children involved in the delinquency system. However, the bill also proposes to change the definition of child, youth, and youthful offender, potentially expanding CYFD jurisdiction over “youth” until age 26 with respect to juvenile dispositions and community corrections supervision.

It is unclear how this jurisdiction expansion might impact LOPD practice. Longer supervision periods could mean an increase in petitions to revoke supervised release. While it is likely that LOPD would be able to absorb some new cases under the proposed law, any increase in the number of proceedings resulting in adult sanctions or long sentences for children will bring a concomitant need for an increase in indigent defense funding to maintain compliance with constitutional mandates.

Juvenile cases, especially cases where a child is facing an adult sentence or a long juvenile sentence, require specialized training for attorneys and often require additional staff, including social workers. Preparation for an amenability or sentencing hearing often involves the use of expert witnesses. If the approaches in this legislation provide more opportunities for youthful offenders to be found amenable to juvenile dispositions and reduces recidivism rates, it could reduce workloads in this area.

SIGNIFICANT ISSUES

Some of the changes made by this bill are laudable, especially requiring risk assessments to justify holding children in custody, requiring reporting on the effectiveness of those risk assessment instruments, and requiring evidence-based services for grant recipients. LOPD also supports the bill more clearly prioritizing criteria for programs to be awarded grants to ensure the efficacy of those programs. The focus on gun violence, mental health, and education is particularly needed and having community-based selection panels who know these children’s situations better than a statewide panel is more likely to get children the services they actually need.

The bill recognizes the importance of rehabilitating youth in the hope of granting them a better future. However, the expanded definition of “youth” to include up to age 26, could result in longer juvenile commitments, beyond the age that CYFD programs are designed to support.

New Mexico’s juvenile justice system endeavors to follow an approach supported by science, recognizing that the differences between youth and adults compel a different, and often more protective, rehabilitative treatment for youth. See *State v. Jones*, 2010-NMSC-012, ¶ 10, 148 N.M. 1 (“We interpret this legislative history as evidence of an evolving concern that children be treated as children so long as they can benefit from the treatment and rehabilitation provided for in the Delinquency Act.”) It also is contrary to the current trend in law that recognizes the unique vulnerabilities of children. See e.g., *Miller v. Alabama*, 132 S.Ct. 2455 (2012); *Graham v. Florida*, 130 S.Ct. 2011 (2010); *Roper v. Simmons*, 543 U.S. 551 (2005). Any such change would conflict with the understanding that juveniles who commit crimes need treatment and rehabilitation, not long prison sentences which do not protect either the child nor the public. While the *current* scheme has passed constitutional scrutiny, any new scheme could require additional litigation to determine its continued constitutionality. See *State v. Rudy B.*, 2010-NMSC-045.

While crimes committed by juveniles cannot be condoned, and public safety must be addressed, our existing statutory scheme balances that interest with the powerful societal interest in safeguarding children’s potential futures and not just giving up on them. Our Supreme Court has recognized “the juvenile justice system reflects a policy favoring the rehabilitation and treatment of children.” *Jones*, 2010-NMSC-012, ¶ 35 (internal quotation marks and citation omitted). Adult prison should always be the last possible resort, as it drastically reduces the possibility that a young person will ever lead a productive adult life. To address juvenile antisocial behavior, including criminal behavior, this bill appears to prioritize prevention and intervention, rather than a reactive punitive model. Since children have an enormous capacity to rehabilitate when supported, such an approach is more likely to show long-term positive effects on public safety and individual lives.

PERFORMANCE IMPLICATIONS

As noted above, see Fiscal Implications.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill makes similar to changes to 33-9A-2—33-9A-6, but provides more guidance for awarding grants, including prioritizing programs aimed at reducing gun violence.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

HB 5 is motivated by a desire to reduce criminal activity – especially violent criminal activity – committed by juveniles. This goal is universal, but cannot be achieved through punitive approaches that treat children like adults; they are not adults. *See, e.g.* Laurence Steinberg, *Adolescent Brain Science and Juvenile Justice Policymaking*, 23 Psychol. Pub. Pol’y & L. 410, 414 (2017) (outlining the science that concludes “[m]id-adolescence, therefore, is a time of high sensation-seeking but still developing self-regulation--a combination that inclines individuals toward risky behavior.”); *Roper v. Simmons*, 543 U.S. 551, 570 (2005) (“[t]he personality traits of juveniles are more transitory, less fixed” so that “[there is] a greater possibility ... that a minor’s character deficiencies will be reformed.”) (internal quotation marks and citation omitted).

Analyst notes that 2026’s SM 20 would convene a planning group of experts and stakeholders to study the issue. As with SM 20, this bill would focus on data-driven recommendations. If the Legislature wishes to reduce juvenile crime, it must understand why it is occurring in the first place and address the source: childhood trauma and neglect. The near-universal understanding of this issue is that the juvenile justice system is driven by Adverse Childhood Experiences (ACEs). Justice-involved youth experience high rates of ACEs, placing them in great need of behavioral health treatment. Policy makers, government agencies, and professionals working with justice-involved youth have called for trauma-informed juvenile justice reform.

Young people in the juvenile justice system have extremely high ACE histories. The study, “The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders”¹ surveyed 64,329 juvenile offenders in Florida, and only 2.8% reported no childhood adversity; and 50% reported 4 or more ACEs putting them in the high risk category. “When you raise a child with violence, they have a tendency to become violent. Fortunately, the same is also true when you raise a child with love and kindness.” Kerry Jamieson, *ACEs and Juvenile Justice*, Center for Child Counseling.²

The only way to successfully reduce juvenile crime is to *prevent and address childhood trauma*. New Mexico needs more robust assistive, *non-punitive*, intervention for families that struggle to meet children’s needs at a basic level (neglect) and a more complex level (when there is affirmative dysfunction including substance misuse and family violence in the home). New Mexico also needs robust, accessible behavioral health treatment *for adolescents and teenagers* who have already experienced ACEs in their lives. Wraparound services, counseling, educational programming, and mentorship opportunities will have a far greater impact on juvenile justice than any increase in punitive response ever could.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

¹ Available at https://www.prisonpolicy.org/scans/Prevalence_of_ACE.pdf.

² Available at <https://www.centerforchildcounseling.org/aces-and-juvenile-justice/>.