

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(Analysis must be uploaded as a PDF)3.0

SECTION I: GENERAL INFORMATION

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

Date Prepared: 5 FEB 2026 *Check all that apply:*
Bill Number: HB5 Original X Correction
 Amendment Substitute

Sponsor: Anyanonu, Silva, De La Cruz, Little **Agency Name and Code Number:** 790 – Department of Public Safety
Person Writing: Randy Larcher

Short Title: Juvenile Justice Changes **Phone:** 575-386-7712 **Email:** Randyt.larcher@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 5 (HB 5) is intended to modernize New Mexico's juvenile justice framework by shifting emphasis from a corrections-based model to a community connections model while standardizing the use of validated risk assessment tools. The bill updates the Juvenile Community Corrections Act to the Juvenile Community Connections Act (JCCA) and establishes clearer procedures for detention, supervision, and enforcement for children and youth involved in the justice system, including transition-age youth.

Importantly, HB 5 does not alter the statutory treatment of violent offenses or the classification of Serious Youthful Offenders (SYO) under the Delinquency Act. Youth charged with or adjudicated for serious violent felony offenses that qualify for SYO status remain subject to enhanced accountability, longer terms of commitment, and, where applicable, adult sentencing exposure. HB 5 primarily addresses supervision, placement, and procedural clarity for non-SYO cases, while preserving existing statutory mechanisms that prioritize public safety in cases involving violent criminal conduct.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

HB 5 maintains existing statutory distinctions between low- and moderate-risk juveniles and those who commit violent or serious felony offenses. Youth who meet the statutory definition of a Serious Youthful Offender remain excluded from community-based placement models where public safety would be compromised.

Sections 9 and 10 amend the Tort Claims Act (§ 41-4-3 NMSA 1978) and the Governmental Immunity Act (§ 41-13-2 NMSA 1978) to update references from the Juvenile Community "Corrections" Act to the Juvenile Community "Connections" Act (JCCA). These conforming amendments ensure that DPS personnel and other law enforcement officers serving on local juvenile justice selection panels retain the same public-employee and immune-contractor protections currently provided under state law.

Absent these amendments, a gap in statutory coverage could expose law enforcement officers to unintended tort liability while performing duties related to juvenile placement and supervision decisions.

HB 5 makes some changes that may improve the juvenile justice system, but it does not address some of the specific concerns DPS has as it relates to dealing with juveniles committing violent offenses.

Reclassification of Violent Offenses

HB5 does not address 2nd-degree murder, shooting at a dwelling or occupied building resulting in great bodily harm, or shooting at or from a motor vehicle resulting in great bodily harm. Offender definitions are also not changed. By failing to expand these definitions, HB5 allows individuals who commit violent "drive-by" shootings or 2nd-degree murders to remain classified under the more lenient "Youthful Offender" or "Delinquent Offender" categories. This prevents prosecutors from seeking adult-level accountability for these high-violence crimes.

Commitment Terms for Rehabilitation

HB5 does not address commitment lengths, maintaining the current shorter standards. Short commitment terms are often insufficient for addressing deep-seated trauma or behavioral issues. Without these extensions, violent offenders may be released back into the community before their rehabilitation is complete, increasing the risk of recidivism.

Juvenile Probation Authority

HB5 focuses almost exclusively on the "detention risk assessment instrument" and reporting, rather than the operational authority of probation officers in the field. Clear statutory authority for probation officers is critical for maintaining community safety. HB5's silence on these operational powers leaves a gap in the practical enforcement of juvenile supervision.

HB5 is primarily a procedural and administrative bill aimed at refining how risk is measured and how communities "connect" with youth. It would be helpful for the bill to also toughen the state's response to violent juvenile crime by ensuring longer periods of supervision and more rigorous standards for rehabilitation programs. By passing HB5, the state would improve its data collection but fail to address the underlying issues of short sentencing and the lenient classification of violent crimes like drive-by shootings.

PERFORMANCE IMPLICATIONS

Public Safety and Violent Offense Identification

HB 5 reinforces the use of validated, transparent, and evidence-based risk assessment instruments to inform detention and supervision decisions. These tools are intended to identify youth who pose a substantial risk of violent behavior, flight, or interference with the judicial process.

Accountability and Supervised Release Enforcement

HB 5 is intended to strengthen accountability mechanisms for youth on supervised release, particularly in cases involving willful absconding. By expressly authorizing the issuance of warrants and tolling supervised release periods when a juvenile absconds, the bill closes an enforcement gap that has undermined court authority.

Operational Clarity and Interagency Coordination

HB 5 establishes clearer procedures for revocation hearings, custody transfers, and enforcement actions, reducing ambiguity for law enforcement agencies tasked with executing court orders. The bill also preserves law enforcement representation on local selection panels, ensuring that public safety considerations—including violent behavior, prior use of weapons, and threat assessments—are incorporated into placement and supervision decisions.

Prevention and Long-Term Crime Reduction

HB 5 works to expand and strengthen evidence-based community programs under the JCCA for eligible youth, while maintaining statutory barriers that prevent violent offenders from being inappropriately diverted. Nothing in House Bill 5 modifies the statutory definition, charging criteria, or sentencing consequences applicable to Serious Youthful Offenders under the Delinquency Act.

Mandates for Evidence-Based Community Programs

HB5 renames the act to "Juvenile Community Connections" and lists broad areas for grants (like literacy and anger management) but fails to mandate that these programs be "research-based" or focused specifically on "risk reduction". Without a legislative mandate for research-based outcomes, state funding may be spent on popular or well-intentioned programs that have no proven track record of actually reducing crime.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

New Section 32A-2-25(E) creates a tolling mechanism for juvenile supervised release when a child absconds, triggered by the issuance of a warrant. This provision parallels the existing adult tolling framework: Section 31-21-15(C) NMSA 1978 (probation) and Section 31-21-14(D) NMSA 1978 (parole) both provide that when a warrant cannot be served, an adult probationer or parolee is deemed a “fugitive from justice” and the court or parole board determines whether the absconder’s time at large counts as time served. *See State v. Apache*, 1986-NMCA-051 (legislative intent is to prevent absconders from defeating the court’s revocation authority).

However, House Bill 5’s (HB-5) juvenile tolling differs in two material respects: (1) it imposes mandatory tolling (“the tolled time shall be added”) rather than the discretionary credit determination afforded to courts and the parole board under the adult statutes; and (2) it requires a finding that the child “knowingly and willfully absconded,” an undefined mens rea standard not present in the adult framework, which could generate evidentiary disputes at the hearing upon the child’s return.

DPS officers may be called upon to execute such warrants or assist in the apprehension of absconders, particularly when a child flees across county or state lines, implicating DPS’s statewide jurisdiction.

OTHER SUBSTANTIVE ISSUES

Sections 9 and 10 broaden foster parent immunity language by replacing references to specific departments with the term “the state.” This could extend Tort Claims Act and Governmental Immunity Act protections to foster parents temporarily caring for children in state custody, including during emergency placements involving justice-involved youth

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

No amendments at this time.