

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.state.nm.us/AgencyAnalysis) and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** January 21, 2026*Check all that apply:***Bill Number:** HB 73Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Andrea Reeb**Agency Name
and Code**Administrative Office of the
District Attorneys - #264**Short** Sentence Deferment for Repeat**Number:****Title:** Offender**Person Writing** M. Anne Kelly**Phone:** 5052503302**Email** akelly@da.state.nm.us**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(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						

(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

Synopsis:

Section 1 amends Section 31-20-3 entitled “Order Deferring or Suspending Sentence – Diagnostic Commitment” to add Subsection B which provides a sentencing court, after finding that “the ends of justice and the best interests of the public and the defendant will be served” may enter an order that a defendant who was previously convicted of any felony, and is being currently sentenced for a second or third degree felony, to suspend or defer no more than two-third of the basic sentence. The subsection also provides that this does not obviate the court’s discretion to alter the basic sentence by mitigating or aggravating circumstances.

The bill also makes some stylistic changes, such as changing “interest” to “interests” and “department of corrections” to “corrections department.”

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

SIGNIFICANT ISSUES

Section 31-20-3 allows for judges to impose deferred or suspended sentences on convictions other than capital or first-degree offenses. Currently, courts have discretion to sentence defendants to full or partial suspended or deferred sentences if the court is satisfied that the ends of justice and the best interests of the public and the defendant will be served thereby.

The new subsection retains that discretion for the sentencing judge but allows the judge to suspend or defer no more than two-thirds of the basic sentence for repeat offenders. It does not appear from the bill’s wording that this two-thirds limitation is mandatory, even if the court finds that the interests of justice and the best interests of the defendant and the public are satisfied by such a sentence.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related – HB 75 which proposes to amend Section 31-18-15.1 to require a judge to find by “clear and convincing evidence” that mitigating circumstances exist to alter the basic sentence.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

n/a

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a