

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) 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:** 01/21/2026*Check all that apply:***Bill Number:** HB 73Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Andrea Reeb**Agency Name
and Code**New Mexico Adult Parole Board
760**Short** Sentence Deferment for Repeat**Person Writing** Roberta Cohen**Title:** Offenders**Phone:** 505-386-6873 **Email** Roberta.cohen@apb.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

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

REVENUE (dollars in thousands)

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

(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: HB 73 amends Section 31-20-3 NMSA 1978 to limit judicial discretion to defer or suspend sentences for certain repeat felony offenders.

Key Provisions

1. Applies to Second and Third Degree Felonies
 - The bill applies only when a defendant is convicted of a second or third degree felony.
2. Triggered by Prior Felony Conviction
 - The limitation applies if the defendant has previously been convicted of any felony, regardless of degree or offense type.
3. Two-Thirds Cap on Deferral or Suspension
 - Courts may defer or suspend no more than two-thirds of the basic sentence.
 - At least one-third of the basic sentence must be imposed and served (subject to other lawful sentence modifications).
4. Judicial Findings Still Required
 - Courts must still find that:
 - the ends of justice, and
 - the best interests of the public and the defendant are served by deferral or suspension.
5. Mitigating and Aggravating Circumstances Preserved
 - Judges may continue to:
 - alter the basic sentence based on statutory mitigating or aggravating factors, and
 - apply other lawful sentencing provisions.
6. Conforming Amendments Only
 - The bill does not create new crimes or sentencing ranges; it only restricts how much of an existing sentence may be deferred or suspended.

FISCAL IMPLICATIONS

No fiscal implications for NMAPB

SIGNIFICANT ISSUES No significant issues for the Adult Parole Board

PERFORMANCE IMPLICATIONS none

ADMINISTRATIVE IMPLICATIONS none

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP none

TECHNICAL ISSUES none

OTHER SUBSTANTIVE ISSUES none

ALTERNATIVES none

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status Quo

AMENDMENTS none