

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
**[AgencyAnalysis.nmlegis.gov](mailto:AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 01/20/2026 **Check all that apply:**  
**Bill Number:** HB73 **Original** X **Correction**     
**Amendment**    **Substitute**   

<b>Sponsor:</b> <u>Andrea Reeb</u>	<b>Agency Name and Code Number:</b> <u>770- NMCD</u>
<b>Short Title:</b> <u>Sentence Deferment For Repeat Offender</u>	<b>Person Writing</b> <u>A. Griego Quintana</u> <b>Phone:</b> <u>505-479-2296</u> <b>Email</b> <u>Anisa.griego-quinta@cd.nm.gov</u>

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>		

**REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>	<b>FY28</b>		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	0	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**

**Synopsis:** House Bill 73 amends the Sentencing law to limit the level of a basic sentence that the court may defer or suspend when imposing a sentence for a second- or third-degree felony offense for repeat felony offenders. In such cases, the court's authority to defer or suspend is limited to no more than two-thirds of the basic sentence. Despite the two-thirds limit, the court may "otherwise alter the basic sentence" based on mitigating or aggravating circumstances as allowed by existing law.

Judges must still determine that deferring or suspending any portion serves justice and public interest.

#### **FISCAL IMPLICATIONS**

Because House Bill 73 limits a court's ability to fully defer or suspend sentences for repeat felons convicted of second- or third-degree felonies, it will convert some cases that would otherwise result in probation into prison sentences. Over time, this will increase admissions and bed demand.

#### **SIGNIFICANT ISSUES**

None

#### **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**

None

#### **AMENDMENTS**

None