

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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: January 22, 2026 **Check all that apply:**
Bill Number: HB 74 **Original** **Correction**
Amendment **Substitute**

**Agency Name
and Code**

Sponsor: Reeb **Number:** NM Sentencing Commission – 354
Short Habitual Offender Statute of **Person Writing:** Keri Thiel
Title: Limitations **Phone:** 505-259-8763 **Email:** kthiel@unm.edu

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:

House Bill 74 amends Section 31-18-17 NMSA 1978, regarding habitual offenders, to remove the ten-year time limitation from the definition of “prior felony conviction”.

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.

SIGNIFICANT ISSUES

The present Section 31-18-17 NMSA 1978 limits the definition of “prior felony conviction” to those for which less than ten years have passed since the person completed serving their sentence or probation or parole. HB 74 would remove that limitation entirely so that any prior felony, no matter how long ago the individual completed their sentence, probation, or parole, would count as a prior felony conviction for the purposes of applying the habitual offender sentencing enhancements included in Section 31-18-17.

In FY 2024, the latest year for which NMSC has access to court data, the habitual offender sentencing enhancement was applied in 812 cases in which a defendant was convicted. The average time added to a sentence was 2.1 years, and the median time added was 1.0 year.

It is difficult to determine what the effect of passing HB 74 would be on the state’s prison population, but it would likely make more defendants eligible for the habitual offender sentencing enhancement, leading to longer sentences and more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS