

LFC Requester:

Henry Jacobs

**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](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:** January 21, 2026*Check all that apply:***Bill Number:** HB 75Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name  
and Code****Sponsor:** Reeb**Number:** NM Sentencing Commission – 354**Short Title:** Alteration of Sentence Based on**Person Writing** Keri ThielCircumstances**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
<b>Total</b>						

(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 75 would amend Section 31-18-15.1, regarding the alteration of a basic sentence due to mitigating or aggravating circumstances, to require that a finding of mitigating circumstances be “by clear and convincing evidence”.

### **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**

Section 31-18-15.1 does not currently provide an evidentiary standard to be applied to findings of mitigating circumstances, while it does provide the “beyond a reasonable doubt” standard for findings of aggravating circumstances. “By clear and convincing evidence” is a lower standard than “beyond a reasonable doubt”, but a higher standard than none at all. Therefore, the addition of the “by clear and convincing evidence” standard may make it less likely that defendants will have their basic sentences reduced due to mitigating circumstances.

The electronic court data possessed by the New Mexico Sentencing Commission for FY24 (the most recent data to which we have access), does not contain any references to Section 31-18-15.1 NMSA 1978 or to alterations of a basic sentence due to mitigating factors more generally. Thus, it is unclear how often that occurs or what impact, if any, the addition of a statutory evidentiary standard would have on the length of a defendant’s sentence.

### **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**