

LFC Requester:	
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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: 1-20-26 **Check all that apply:**
Bill Number: HB-78 **Original** **Correction**
Amendment **Substitute**

Sponsor: <u>Reeb/Chavez</u>	Agency Name and Code Number: <u>AODA 264</u>
Short Title: <u>Digital Sabotage of a Business</u>	Person Writing <u>Dustin O'Brien</u> Phone: <u>5054865806</u> Email: <u>animasrio@gmail.com</u>

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

HB 78 creates a narrow exception to New Mexico's juvenile-record sealing statute by allowing parties, with prior notice to the court, to reference the existence and contents of a sealed juvenile record in written pleadings for three specific proceedings: 1. pretrial detention hearings, 2. conditions-of-release hearings, and 3, sentencing hearings. In all other filings, parties may mention only that a sealed record exists but may not disclose its contents. The bill does not unseal the records themselves; it simply permits courts to consider sealed juvenile history when making critical public-safety and sentencing decisions.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

There may be some additional administrative work needed to obtain sealed records from an agency in control of those records. Because the parties seeking to refer to or use the sealed records will likely have access to the records it will likely not incur much if any additional expense.

SIGNIFICANT ISSUES

The primary benefit that this statutory change will cause is that it will allow courts to make better informed decisions and increase both public safety and fairness to the accused or convicted. The change still protects juvenile records while allowing a court to have a more complete picture of a defendant's history before making serious decisions about release and sentencing.

- Provides a complete risk profile in pretrial detention hearings
- Provides necessary information in conditions-of-release decisions
- Improves informed sentencing decisions by giving judges a full behavioral history
- Prevents courts from making high-stakes public-safety decisions without necessary information
- Ensures fairness between defendants with similar histories
- Supports informed judicial discretion by providing more complete information

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

Clarity in determining how the written pleading containing reference to juvenile records or contents of those records should be filed that is under seal or subject to judicial discretion would create a consistent application state wide.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

It is unclear if the reference to, or contents or, the juvenile record would be filed under seal and while the courts could order that record be filed under seal the statutory change only requires

notice to the court, not permission from the court.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Courts across the State will continue to be less informed when making high stakes decisions that implicate fairness to defendants and public safety.

AMENDMENTS