

LFC Requester:

**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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{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}

Check all that apply:

Original Amendment
Correction Substitute

Date January 21, 2026

Bill No: HB 78-280

Sponsor: Andrea Reeb and Nicole Chavez
Short Sealed Juvenile Record
Title: References

Agency Name
and Code LOPD-280
Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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: This bill proposes to amend NMSA 1978, § 32A-2-26, Sealing of Records, to include a new subsection (E), which would allow, with prior notice to the court, reference to the existence of a juvenile record and to the contents of the juvenile record in written pleadings for purposes of a pre-trial detention hearing, conditions of release hearing, or a sentencing hearing.

FISCAL IMPLICATIONS

The inclusion of sealed juvenile records in such proceedings could create some resource challenges for LOPD attorneys, as defense counsel is already at an informational disadvantage preparing for such hearings, scheduled soon after charges are filed when the State has had access to the law enforcement investigation for longer than defense counsel, and where the State may well have access to sealed records long before the defense would have time to review and evaluate them. Moreover, strategies for mounting a defense argument against incarceration premised on juvenile records may involve and require a more extensive mitigation case, especially at sentencing, which often involves expert fees for behavioral health evaluations and mitigation specialists.

While it is likely that LOPD would be able to absorb some new cases under the proposed law, any increase in the number of proceedings resulting in pretrial detention will bring a concomitant need for an increase in indigent defense funding to maintain compliance with constitutional mandates.

SIGNIFICANT ISSUES

The New Mexico Children's Code is carefully calibrated to treat children as children so long as they can benefit from rehabilitation under the Delinquency Act. This recognition that mistakes made as children should not follow into adulthood is at the core of New Mexico's statutory scheme. The proposed changes go against the unique scheme New Mexico devised to deal with offenses committed by children. It significantly alters the position of New Mexico law to date that is supported by science that recognizing the differences between youth and adults compel a different, and often more protective, treatment for youth. *See State v. Jones*, 2010-NMSC-012, ¶ 10, 148 N.M. 1 ("We interpret this legislative history as evidence of an evolving concern that children be treated as children so long as they can benefit from the treatment and rehabilitation provided for in the Delinquency Act.") It also is contrary to the current trend in law that

recognizes the unique vulnerabilities of children. *See e.g., Miller v. Alabama*, 132 S.Ct. 2455 (2012); *Graham v. Florida*, 130 S.Ct. 2011 (2010); *Roper v. Simmons*, 543 U.S. 551 (2005).

Additionally, if a child receives an adult sentence, NMSA 1978, Section 32A-2-18(B), allows for admission of the record of the judgment in any other case or proceeding, which means that this proposed change in legislation is aimed squarely at children who received juvenile dispositions. The changes undermine the understanding that juveniles who commit crimes need treatment and rehabilitation and that these records should be sealed from later use. This change fails to recognize the unique protections New Mexico has traditionally provided its children.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Reviewer is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill, analyst is unaware if it has been drawn pursuant to a special message of the Governor, and it was not vetoed following the previous regular session.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS