

LFC Requester:

Henry Jacobs

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) 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:** 1/20/2026*Check all that apply:***Bill Number:** HB 78Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name****and Code**

AOC 218

Number:**Sponsor:** Andrea Reeb and Nicole Chavez**Short** SEALED JUVENILE**Person Writing** Alison B. Pauk**Title:** RECORD REFERENCES**Phone:** 505-470-6558 **Email** aocabp@nmcourts.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	

(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				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 78 amends Section 32A-2-26 of the Delinquency Act of the Children's Code, Chapter 32, Article 2 NMSA 1978, by adding a new subsection. New Subsection L allows a party, in written pleadings pertaining to conditions of release or sentencing and with prior notice to the court, to reference the existence and contents of a party's juvenile delinquency records. HB 78 also allows a party, in all other written pleadings, to reference the existence of the party's juvenile delinquency records but not the contents of those records.

There is no appropriation listed in this bill.

There is no effective date of this bill. It is assumed that the effective date is June 20, 2026, which is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase court hearing time, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The proposed amendments in House Bill 78, adding a new Subsection L to Section 32A-2-26 NMSA 1978, allow the parties in adult criminal cases to reference a party's juvenile delinquency record in written pleadings and use the contents of the juvenile record in written pleadings pertaining conditions of release or sentencing hearings.

1) New Subsection L of House Bill 78 may be in direct conflict with current Subsections C and D. Under Subsection C of this section, once the case is sealed, "the proceedings in the case shall be treated as if they never occurred and all index references shall be deleted." Furthermore, the court, law enforcement officers and departments and agencies, which would include the district attorney's office, are to reply that "no record exists" when asked about a person's juvenile record. HB 78's New Subsection L allows for the existence of these sealed cases to be revealed and included in adult written pleadings, with certain pleadings even containing the contents of the juvenile records.

In addition, Subsection D provides exceptions for the court to permit, "Inspection of the files and records or the release of information in the records intended in the sealing order." These exceptions do not include use in an adult criminal case.

2) The primary goal of the juvenile justice system is rehabilitation of the child, rather than punishment. Two named purposes of the Delinquency Act are: (1) to provide children with care and rehabilitation and, (2) to successfully reintegrate children into homes and communities. Sections 32A-2-2(A) and (C). This distinguishes juvenile courts from adult criminal courts, subsequently resulting in different rules for juvenile and adult records.

In New Mexico, most records in adult criminal cases are accessible to the public. Therefore, any mention of the existence or contents of a juvenile record in a written pleading, as allowed in new Subsection L, will be public record unless the document is subsequently sealed by a the court, requiring an extra step in a case and more time for the court and court staff.

Additionally, “Records of juvenile crime can have far-reaching consequences, including affecting a youth’s ability to join the military, pursue higher education, obtain employment, secure housing, or receive public benefits.” See the Juvenile Law Center, Juvenile Records: A National Review of State Laws on Confidentiality, Sealing and Expungement found at <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/national-review.pdf> . Public access in an adult case to written documents that mention the existence of a juvenile record or the contents therein could cause unintended collateral consequences to the party.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES –

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS