

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****(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:** 21 January 2026*Check all that apply:***Bill Number:** HB 78Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Chavez**Short** Sealed Juvenile Record**Title:** References**Agency Name
and Code**New Mexico Sentencing
Commission (354)**Number:****Person Writing** Douglas Carver**Phone:** 505-239-8362 **Email** dhmcarter@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:

HB 78 amends Section 32A-2-26 NMSA 1978, regarding the sealing of juvenile records by adding a new subsection under which a party may refer to the existence and contents of a juvenile record in written pleadings for the purposes of a bail hearing as provided for in Art. 2, Sec. 13 of the state constitution, a hearing held pursuant to Supreme Court rule to consider or address conditions of release, or a sentencing hearing. Additionally, a party may refer to the existence of a juvenile record in all other written pleadings but shall not disclose the contents of the juvenile record unless otherwise allowed by law.

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

HB 78 amends a section of the Delinquency Act, Section 32A-2-26, which is concerned with the sealing of records. There is another section of the Delinquency Act, however, Section 32A-2-32, that covers the confidentiality of records concerning juveniles involved in the criminal justice system. Section 32A-2-32 lists a number of entities to which juvenile records may be disclosed. To accomplish the purposes of HB 78, this section may need to be amended as well.

According to the National Conference of State Legislatures, 24 states have some kind of automatic sealing or expungement of juvenile records on their statutes (see National Conference of State Legislatures, “Automatic Expungement of Juvenile Records” (updated Jan. 2024), available at: <https://www.ncsl.org/civil-and-criminal-justice/automatic-expungement-of-juvenile-records>).

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