

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: 1-21-26 **Check all that apply:**
Bill Number: HB-79 **Original** **Correction**
Amendment **Substitute**

Sponsor: <u>Reeb</u> Short <u>Evidence in Probation</u> Title: <u>Revocation</u>	Agency Name and Code Number:	<u>AODA 264</u>
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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 79 Changes the burden of proof in juvenile probation violation hearings from ‘beyond a reasonable doubt’ to ‘a preponderance of the evidence’.

FISCAL IMPLICATIONS

There would likely be little or no fiscal implication. It may decrease litigation costs to the State and courts by reducing the evidentiary burdens currently required.

SIGNIFICANT ISSUES

The change would make New Mexico law consistent with other states. It would also increase the discretion Children’s Court Judges have when juvenile respondents violate probationary conditions.

The current burden of proof is the highest standard in the judicial system and except for the current exception it is reserved only for the adjudication of guilt or innocence. It is unusual to require this high burden in a post adjudicatory matter and it can prevent a children’s court judge from modifying conditions of probation that are in the best interest of a child or of public safety. This bill would give courts greater discretion to improve public safety with respect to juvenile crime.

It retains the child’s rights to due process and will make revocation proceedings more functional and consistent with the purpose of probation as a conditional disposition.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status Quo

AMENDMENTS