

LFC Requester:	
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## AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.state.nm.us/AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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: Reeb

Short Evidence in Probation

Title: Revocation

Agency Name

and Code

AODA 264

Number:

Person Writing

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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 and the judicial system and except for the current exception it is reserved only for and 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**