

LFC Requester:

Scott Sanchez

## AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/21/2026

*Check all that apply:*

**Bill Number:** HB 79

Original X

Correction       

Amendment       

Substitute       

**Sponsor:** Rep. Andrea Reeb

**Agency Name and** 305 – New Mexico

**Code Number:** Department of Justice

**Person Writing**

**Analysis:** AAG Tyler Sciara

**Short** EVIDENCE IN PROBATION

**Title:** REVOCATION

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis ( ) indicate expenditure decreases)

#### 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
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

### **BILL SUMMARY**

Synopsis: Following juvenile proceedings, a child may be adjudicated as a delinquent child and subject to probation. Currently, a child who violates the terms of their probation may be held in a juvenile detention facility only after the violation is proven beyond a reasonable doubt in a revocation hearing. HB79 would amend the standard of proof from “beyond a reasonable doubt” to a preponderance of the evidence; in other words, if it is “more likely than not” that the child violated probation.

### **FISCAL IMPLICATIONS**

None noted.

### **SIGNIFICANT ISSUES**

N/A

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to HB105, which provides the children's court with discretion to consider a delinquent child's unique circumstances and history in determining whether to transfer custody of the child to a juvenile detention facility or to probation, and extends jurisdiction of probation up to the date the child reaches 25 years old.

### **TECHNICAL ISSUES**

N/A

### **OTHER SUBSTANTIVE ISSUES**

N/A

### **ALTERNATIVES**

N/A

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

## **AMENDMENTS**

N/A