

LFC Requester:	Malone
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: 1/18/26 *Check all that apply:*
Bill Number: HB 105 Original Correction
 Amendment Substitute

Sponsor: Rep. Adread Reeb **Agency Name and Code** AOC
Short Title: Child Offender Commitment Extensions **Number:** 218
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 105 amends Section 32A-2-19(B) NMSA 1978, governing disposition of an adjudicated delinquent offender to provide that if a child is found to be delinquent, the court may enter its judgment making the following disposition for the supervision, care and rehabilitation of the child: transferring legal custody to the department or an agency responsible for the care and rehabilitation of delinquent children. The law grants the court discretion to consider the child's unique circumstances and history when transferring custody of the child pursuant to this paragraph, whether for commitment or a period of probation, and may impose commitment or probation for any period up to the date the child reaches twenty-five years of age.

HB 105 also amends Section 32A-2-20 NMSA 1978, governing disposition of a youthful offender to provide that a youthful offender may be subject to extended commitment in the care of the department until the age of twenty-five, pursuant to the provisions of Section 32A-2-23 NMSA 1978.

Finally, HB 105 amends Section 32A-2-23(D) NMSA 1978, governing limitations on dispositional judgments, modification, and termination or extension of court decrees, to provide that prior to the expiration of a judgment of probation or commitment, the court may exercise discretion and extend the judgement, based on the child's unique circumstances and history, for an additional period up to the date the child reaches twenty-five years of age if the court finds that the extension is necessary to protect the community or to safeguard the welfare of the child.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

New Mexico is currently part of the vast majority of states where juvenile court jurisdiction ends at age 21 (see the report entitled, *Extended Age of Court Jurisdiction* found at https://ojjdp.ojp.gov/statistical-briefing-book/structure_process/faqs/qa04106 .) HB 105 proposes to extend the children's court jurisdiction by four years, expanding the age for which a child may be placed on probation or committed from up to twenty-one years of age to twenty-five years of age (See amendments to Sections 32A-2-19(B)(1) and 32A-2-23(D)). This would increase the children's court caseloads based on the longer tail for possible probation violations and needs for extension of commitment.

SIGNIFICANT ISSUES

1) The HB 105 amendments, while removing the specified periods of commitment – short-term commitment of up to one year and long-term commitment for not more than 2 years – in Section 32A-2-19(B) NMSA 1978, and removing the discretion of the court to extend a short-term or

long-term commitment in Section 32A-2-23 NMSA 1978, provide the court with the discretion to extend commitment, based on the child's unique circumstances and history, up to the date the child reaches twenty-five years of age if the court finds that the extension is necessary to protect the community or to safeguard the welfare of the child.

2) The Juvenile Sentencing Project (hereinafter "Project") at the Quinnipiac University School of Law, published a memo in January 2020, [*Consideration of Youth for Young Adults*](#), in which it described reforms relating to the prosecution and sentencing of young adults ages 18-25 and proposed legislation to limit or mitigate imposition of adult penalties on this age group. The Project noted that,

Indeed, recent studies show that certain brain systems and structures, including those involved in self-regulation and higher-order cognition, continue to develop and mature well into the mid-twenties. Moreover, research demonstrates that individuals in their late teens and early twenties are less mature than older adults in several ways, including underestimating risk, reduced ability to control impulses and consider future consequences, and social and emotional immaturity. Finally, brain science shows that the late teens and early twenties is one of the periods of the most marked neuroplasticity of the brain, suggesting that individuals in this age group have a strong potential for behavioral change. Thus, recent research makes clear that older teenagers and young adults are, like juveniles, "more capable of change than are adults, and their actions are less likely to be evidence of an 'irretrievably depraved character,'" Graham, 560 U.S. at 68 (citing Roper, 543 U.S. at 570), which warrants special consideration in criminal sentencing.

The Project, in highlighting a list of legislative reforms that were proposed or enacted and judicial decisions across the county that provide special treatment and consideration of youth of young adult offenders, noted that,

Recognizing that older teens and young adults are more akin to juvenile offenders than to adults in their reduced culpability and greater capacity for reform, several state legislatures have proposed or implemented reforms that account for youth and mitigate criminal punishment imposed on young adults.

The HB 105 amendments would seem to recognize the need for continued commitment beyond age twenty-one and up to age twenty-five due to reduced culpability and greater capacity for reform. See [*Cal. Penal Code, Section 3051*](#), extending youth offender parole eligibility to individuals who committed offenses before age 25, and [*H. 3420. 191st Gen. Ct. \(Mass. 2019\)*](#), expanding the upper age of commitment to the Department of Youth Services to ensure adequate rehabilitation opportunities, including extending commitment in youthful offender cases up to age twenty-three.

According to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), most states (41 states) end jurisdiction by age 22. The federal Office of Juvenile Justice and Delinquency Prevention notes several states have moved toward increasing the upper age boundary to keep older youths in the juvenile justice system, rather than having them processed in the adult criminal justice system.

According to the federal OJJDP, research findings have underscored the role adolescent development plays in processing and treating youths in the justice system. This research

indicates that ages from as young as 10 to as old as 24 correspond to an age range of adolescence. States that have sought to expand the scope of juvenile jurisdiction generally report an intention to prevent youth from entering adult court and thereby avoid the negative effects of incarceration in adult prison, the OJJDP reports. However, according to a literature conducted by OJJDP, states that have raised the age of majority have found no impact on juvenile recidivism rates. In addition, a 2016 meta-analysis that aggregated results from nine studies examining the specific deterrence of juvenile transfer to adult court found no statistically significant effect on recidivism; however, the studies found a small insignificant effect on increased odds for recidivism, suggesting transfers may increase likelihood of recidivating. Similarly, OJJDP research concludes that transfer laws to adult court are not a deterrent to delinquency and may increase the likelihood of future offending.

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

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

1) In striking Section 32A-2-19(B)(2), HB 105 removes any clear option of probation. Subsection B(1) mentions probation, but that is after the paragraph starts by saying “transfer the legal custody...”. Basically, the changes promote commitment and only mention probation as a side note.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS