

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** January 22, 2026  
**Bill No:** HB 105-280

**Sponsor:** Andrea Reeb  
**Short Title:** Child Offender Commitment Extensions

**Agency Name and Code Number:** 280-LOPD  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<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**

**BILL SUMMARY**

Synopsis: HB 105 seeks to amend Section 32A-2-19 NMSA (Disposition of an Adjudicated Delinquent Offender), giving the court wider discretion in sentencing (by deleting existing paragraphs enumerating the court’s sentencing options) and increasing the age until which a juvenile offender can be committed to a juvenile detention facility to twenty-five years old.

HB 105 seeks to amend Section 34A-2-20 (Disposition of a Youthful Offender), specifically, Subsection F, changing the age until which a youthful offender may be subject to extended commitment in a juvenile detention facility from twenty-one to twenty-five years old.

HB 105 seeks to amend Section 32A-2-23 (Limitations on Dispositional Judgments - - Modification - - Termination or Extension of Court Orders). It would delete Subsections D and E, which regard short-term and long-term extensions of the original commitment length. In Subsection F it would reiterate that the court has discretion to extend the judgment and may do so up until the child is twenty-five years old.

**FISCAL IMPLICATIONS**

The fiscal impact on LOPD is difficult to predict because it is impossible to know how many juveniles would be impacted. However, the bill certainly contemplates the possible addition of a hearing on extension of the commitment at age 21 for some committed juvenile offenders, and those hearings may require the presentation of defense mitigation evidence, involving expert witness fees.

It is also presumed that the proposed legislation could have a significant fiscal impact on juvenile detention centers in New Mexico, as it is expensive to house juveniles and their facilities are currently already overflowing. “Incarcerating a child at one of New Mexico’s secure juvenile facilities costs taxpayers about \$345,000 per year — about as much as it would cost to pay tuition, room and board at an Ivy League university for four years. That’s about 23 times the \$15,000 it costs to put an underage offender on probation for a year and about 345 times the \$836 per person per year of funding delinquency prevention programming.” Phaedra Haywood, *As state spends \$78 million a year on juvenile justice, state lawmakers urged to fund prevention, therapy programs*, SANTA FE NEW MEXICAN (Nov. 18, 2025), [https://www.santafenewmexican.com/news/local\\_news/as-state-spends-78-million-a-year-on-juvenile-justice-state-lawmakers-urged-to-fund/article\\_7bc17258-edf7-40c9-8a93-ad72555dfd37.html](https://www.santafenewmexican.com/news/local_news/as-state-spends-78-million-a-year-on-juvenile-justice-state-lawmakers-urged-to-fund/article_7bc17258-edf7-40c9-8a93-ad72555dfd37.html). New Mexico would also have to fund more juvenile facilities, including staff to run them; there are less now than there

was in 2020. Bianca Hoops, *New Mexico report shows increase in juvenile offenses, detention facility challenges*, NEW MEXICO NEWS (Nov. 9 2025), <https://www.krqe.com/news/new-mexico/new-mexico-report-shows-increase-in-juvenile-offenses-detention-facility-challenges/>. At present, these facilities already require more staff. *Id.*

## SIGNIFICANT ISSUES

HB 105 seeks to remove the existing options for juvenile dispositions at the initial sentencing, expanding the court's discretion to include essentially any possible duration of supervised release and/or commitment up to age twenty-one. Thereafter, the bill would give the district courts total discretion in extending a juvenile commitment for four more years, until he/she is twenty-five years old. No guidance is given to the district court to make these determinations; no minimum justification or categorical considerations are provided for a court's authority to extend commitment to age twenty-one. This bill inserts the words "based on the child's unique circumstances and history" but provides no factors or explanation. The bill provides no requirement for incremental increases (such as one year at a time to be re-justified each year), or individualized factors to consider in the extension. *Compare* NMSA 1978, § 32A-2-20(C) (providing eight statutory factors judges "shall consider" in determining whether a youthful offender should receive a juvenile disposition or adult sentence). This sweeping authority is likely to result in arbitrary commitment extensions of the full four-year maximum that cannot be challenged under any statutory framework.

During the formative years of someone's life, a decision to *extend commitment* should be rare. "[T]he U.S. still confines youth at a rate that's more than twice the global average, and well above that of all other NATO member countries." Brian Nam-Sonenstein and Wendy Sawyer, *Youth Confinement: The Whole Pie 2025*, PRISON POLICY INITIATIVE (Aug. 25, 2025), <https://www.prisonpolicy.org/reports/youth2025.html>. "Considering that nearly 7 out of every 10 adults in state prison were first arrested before the age of 19, increased criminalization of youth serves as a bad omen for a wave of adult criminalization in the not-so-distant future." *Id.* This article is informative on this topic, and praises jurisdictions who have "raised the age" of juvenile court jurisdiction," stating that it has contributed towards the progress in juvenile decarceration by "preventing some youth from being funneled into the adult system." *Id.*

The "raise the age" movement in other states has referred to the age a state can *try* someone as an adult. While HB 105 does not seek to raise the age a child can be tried as an adult, it is still granting the district court unfettered discretion to extend *juvenile* sentencing well into adulthood with no guidance ensuring predictability or consistent application.

Certainly LOPD has seen juvenile offenders denied a juvenile disposition and instead receiving adult prison sentences as the only other option solely due to the inability to *complete* rehabilitative juvenile treatment before their twenty-first birthday. While creating the option of more time to rehabilitate juvenile offenders while avoiding adult prison is a worthy step to a laudable goal, the extended commitment should be an exception to the rule. The Legislature should provide its courts with guidance as to when it is appropriate to extend commitment after serving the original commitment imposed. *See* Alternatives, *infra*.

## PERFORMANCE IMPLICATIONS

None noted.

## **ADMINISTRATIVE IMPLICATIONS**

None noted.

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

None known.

## **TECHNICAL ISSUES**

None noted.

## **OTHER SUBSTANTIVE ISSUES**

None noted.

## **ALTERNATIVES**

HB 105 should be amended to provide guidance to the lower courts, such as requiring a particular finding in order to extend juvenile commitment. For example, extension might be justified by identifying a treatment need that *can be* addressed, but only with more time. This could be a finding of current dangerousness that can be addressed with behavioral health interventions during a set period of time. The main question should be, is the juvenile *still* a danger to the public. There must be facts, other than the facts and circumstances of the crime itself, to support extending the juvenile's commitment.

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

Status quo.

## **AMENDMENTS**

None known.