

LFC Requester:

Malone, Carlie

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: 1/20/2026

Check all that apply:

Bill Number: HB 105

Original Correction
Amendment Substitute

Sponsor: Rep. Andrea Reeb

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Child Offender Commitment Extensions

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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
Total						

(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:

This bill amends NMSA 1978, §§ 32A-2-19, 32A-2-20, 32A-2-23, to allow a court to impose a commitment or a period of probation, on a child adjudicated as a delinquent offender, for a period up until the child reaches the age of 25, in contrast to the current age limit of 21.

Section 1: This section amends Section 32A-2-19(B)(1) to expressly allow a court to impose a commitment or probation for a delinquent child, up to the date the child reaches the age of 25. It also simplifies the statute by deleting former subsection (B)(1) parts (a) through (d), and rewording the key language into simpler language allowing a court to consider the child’s unique circumstances and history when transferring custody of the child, whether for commitment to an institution or for a period of probation.

The section also deletes subsection (B)(2), and renumbers the remaining subsections.

Section 2: This section amends Section 32A-2-20(F), to make it clear that a youthful offender may be in the care of the department (Children, Youth and Families Department) until age twenty-five.

Section 3: This section amends Section 32A-2-23 to accord with the changes to Section 32A-2-19 noted above in Section 1. Those changes were necessary (in terms of consistency within the bill) because Section 32A-2-23 currently refers to Section 32A-2-19 and has similar language. This section does so by deleting current subsections (D) and (E) in Section 32A-2-23. Remaining subsections are re-lettered accordingly.

Additionally, Section 3 would amend (re-lettered) subsection (D) (currently subsection (F)) to make it clear that the child can be the subject of probation or a commitment until the child reaches the age of 25, even if that requires extending a judgment of probation or commitment set to expire before the child reaches the age of 25.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

The purpose of the Children's Code focuses on rehabilitation and reintegration, not extended punitive control (NMSA 1978, § 32A-1-3). By allowing open-ended discretion and extending the age of jurisdiction to 25, HB 105 may hinder that purpose.

HB 105 could be questioned under due process for vagueness, since it allows judges very wide discretion without more specific criteria. This could result in inconsistent or arbitrary application across New Mexico courts. Consider adding criteria or guidance for imposing commitment or a period of probation.

HB 105 may conflict with adult sentencing statutes by creating juvenile jurisdiction until age 25. This may result in a hybrid adult sentence without adult procedural protections. For example, an adult convicted of a similar crime could serve a shorter sentence than a juvenile held under extended jurisdiction. Consider clarifying how HB 105 would interface with adult statutes

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None apparent.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The status quo will continue.

AMENDMENTS

None.