

LFC Requester:

Jacobs, Henry

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: 1/26/26

Check all that apply:

Bill Number: HB 125

Original X Correction
Amendment Substitute

Sponsor: Rep. Andrea Reeb

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

Short Title: Delinquency Act Changes

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Table with columns: Appropriation (FY26, FY27), Recurring or Nonrecurring, Fund Affected

(Parenthesis ( ) indicate expenditure decreases)

REVENUE (dollars in thousands)

Table with columns: Estimated Revenue (FY26, FY27, FY28), Recurring or Nonrecurring, Fund Affected

(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:

Synopsis: The bill contains revisions to the Criminal Sentencing Act, NMSA 1978, § 31-18-15.2, and the Delinquency Act, NMSA 1978, §§ 32A-2-1 to -33.

**Section 1**

Section 1 amends the definitions of 31-18-15.2 by amending the definition of “serious youthful offender” and “youthful offender.” The definitions of those terms are defined by reference to Section 32A-2-3. Both these definitions are then modified in Section 2 of the Bill.

**Section 2**

Section 2 amends and reorganizes the various definitions as follows.

For the definition of “delinquent act” found at Section 32A-2-3(A).

- HB 125 excludes from the definition of delinquent act:
  - failure to stop in the event of an accident causing death;
  - homicide by vehicle.
- HB 125 adds to the definition of delinquent act:
  - alcohol-related violations, including buying, possessing, or being served alcohol; being present in a liquor establishment without a parent/guardian.
  - cannabis-related violations, buying, possessing, or being served cannabis or cannabis products; being present in a cannabis establishment (with exceptions for child participants in a medical cannabis program pursuant to the Lynn and Erin Compassionate Use Act.

The term "firearm" is added to the definitions of 32A-2-3.

The definition of “serious youthful offender” in Section 32A-2-3(H) is amended.

- The age range is lowered to 14-18 from 15-18 (aligning the age range for “youthful offender”).
- To the current crime of first-degree murder, HB 125 would add:
  - murder in the second degree;
  - voluntary manslaughter;
  - criminal sexual penetration in the first, second, third or fourth degree, or aggravated sexual penetration, as provided by 30-9-11;
  - robbery while armed with a deadly weapon;
  - shooting at a dwelling or occupied building that results in great bodily harm; and

- shooting at or from a motor vehicle that results in great bodily harm.

The definition of “youthful offender” in Section 32A-2-3(J) is amended.

- HB 125 removes:
  - the offense of second-degree murder (second-degree murder is added to the term “serious youthful offender,” as noted above);
  - “shooting at a dwelling or occupied building that does not result in great bodily harm to another person or shooting at or from a motor vehicle that does not result in great bodily harm to another person” (those crimes with great bodily harm are covered under “serious youthful offender,” as noted above); and
  - "criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978” (this crime is covered under “serious youthful offender,” as noted above).
- HB 125 adds:
  - “homicide by vehicle, as provided in Section 66-8-101 NMSA 1978” (this crime was deleted from the definition of “delinquent act” as noted above);
  - “involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978”;
  - “failing to stop a vehicle when the vehicle is involved in an accident that results in death, as provided in Section 66-7-201 NMSA 1978” (this crime was deleted from the definition of “delinquent act” as noted above); and
  - any "serious violent offense” “enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection N of Section 33-2-34 NMSA 1978 that is not a serious youthful offender offense as described in this section and that was committed with a firearm.”

### **Section 3**

Section 3 would amend Section 32A-2-20 by, among other ways, adding the words “AND SERIOUS YOUTHFUL OFFENDER” to the title, which currently refers only to the disposition of a “YOUTHFUL OFFENDER.” Also, changes would be made to subsections (G) and (H) to accord with the changes to the definitions of discussed above.

### **FISCAL IMPLICATIONS**

None

### **SIGNIFICANT ISSUES**

None

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

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

HB 105, Child Offender Commitment Extensions, is a companion bill which address sentencing of juvenile delinquents and youthful offenders.

HB 25 relates to HB 125, as both bills address juvenile delinquency. HB 25 imposes firearm restrictions on adults who previously had juvenile dispositions for acts involving firearms, treating those dispositions as convictions for federal background checks and prohibiting firearm

possession for ten years.

**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**

None