

LFC Requester:

Henry Jacobs

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.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}*

**Date Prepared:** 28 January 2026 *Check all that apply:*  
**Bill Number:** HB 125 Original  Correction   
 Amendment  Substitute

**Sponsor:** Reeb **Agency Name and Code Number:** New Mexico Sentencing Commission (354)  
**Short Title:** Delinquency Act Changes **Person Writing:** Douglas Carver  
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**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

**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**

### **BILL SUMMARY**

#### Synopsis:

HB 125 makes a variety of changes to the Delinquency Act.

The definition of a “delinquent act” is changed to remove the following crimes:

- failure to stop in the event of an accident causing death;
- homicide by vehicle;
- escape from the custody of a law enforcement officer or a juvenile probation or parole officer or from any placement made by the department by a child who has been adjudicated a delinquent child; and
- a violation of an order of protection issued pursuant to the provisions of the Family Violence Protection Act.

The following crimes have been added to the definition of delinquent act:

- buying, attempting to buy, receiving, possessing or being served cannabis or a cannabis product or being present in a cannabis establishment, except in the presence of the child's parent, guardian, custodian or adult spouse; provided that the provisions of this subparagraph shall not apply to a child participating in the medical cannabis program pursuant to the provisions of the Lynn and Erin Compassionate Use Act. As used in this subparagraph, "cannabis", "cannabis product" and "cannabis establishment" have the same definitions as in the Cannabis Regulation Act;
- escape from the custody of a law enforcement officer or a juvenile probation or parole officer or from any placement made by the department by a child who has been adjudicated a delinquent child; and
- a violation of an order of protection issued pursuant to the provisions of the Family Violence Protection Act;

The definition of “serious youthful offender” is expanded to include the following additional crimes (present law has only first degree murder):

- murder in the second degree, as provided in Section 30-2-1 NMSA 1978 (moved from the “youthful offender” definition);
- voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;
- criminal sexual penetration in the first, second, third or fourth degree or aggravated criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978 (moved from the “youthful offender” definition);
- robbery while armed with a deadly weapon, as provided in Section 30-16-2 NMSA 1978 (this part of robbery moved from the “youthful offender” definition); or
- shooting at a dwelling or occupied building that results in great bodily harm to another person or shooting at or from a motor vehicle that results in great bodily harm to another person, as provided in Section 30-3-8 NMSA 1978 (this part of the statute moved from the “youthful offender” definition).

Additionally, the lower end of the age range for who can be considered a serious youthful offender is lowered from 15 to 14.

The definition of “youthful offender” has been changed, in addition to what was noted above, to include the following crimes:

- homicide by vehicle, as provided in Section 66-8-101 NMSA 1978;
- 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; or
- an 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.

Additionally, the age restriction for a youthful offender as having to be someone who is 14 to 18 years of age at the time of the offense who is adjudicated for any felony offense and who has had three prior, separate felony adjudications within a three-year time period immediately preceding the instant offense has been removed.

In addition, the definitions of “serious youthful offender” and “youthful offender” in the Criminal Sentencing Act (at Section 31-18-15.2 NMSA 1978) have been changed, replaced with a cross reference to the new definitions in the Delinquency Act.

Finally, Section 32A-2-20, regarding the disposition of a youthful offender, has been amended as follows:

- A provision in this section in current law that states that a child who is 14 or older and charged with first degree murder but not convicted of first degree murder and is found to have committed a youthful offender offense is subject to the dispositions of the section. This paragraph has been expanded to include a child charged as a serious youthful offender.
- A similar change has been made for children charged as a serious youthful offender but found to have committed a delinquent act.

## **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

## **SIGNIFICANT ISSUES**

These changes to the scope of who might be considered a serious youthful offender or a youthful offender could have wide-ranging impacts in the juvenile detention system. For perspective, in FY24 there were 313 cases adjudicated that were committed by those under the age of 18 on the offense date, containing offenses included in the definition of a youthful offender. After removing duplicates, this represents 294 unique offenders. For serious youthful offenders, in FY24 there

were 19 juveniles with cases adjudicated with a lead offense of first-degree murder (who were between the ages of 14 and 18 on the offense date). Four of these had a conviction for the offense, and the remaining 15 were dismissed. Under the provisions of HB 125, a large number of these youthful offender cases would shift to the serious youthful offender status.

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

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

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

#### **AMENDMENTS**