

LFC Requester: _____

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: _____ *Check all that apply:*
Bill Number: HB125 Original Correction
 Amendment Substitute

Sponsor: A Reeb **Agency Name and Code** CYFD - 690
Short Title: DELINQUENCY ACT CHANGES **Number:** _____
Person Writing Kathleen Hardy
Phone: 505-660-8508 **Email** Kathleen.hardy@cyfd.nm.gov

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
Total						

(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: This bill amends existing statute to expand the number of crimes included in the serious youthful offender definition; to expand the age range of juveniles eligible for serious youthful offender status to include 14 year olds; and to expand the definition of a delinquent act alcohol- and cannabis-related possession, receipt, and purchasing charges, escape from custody, and violation of a Family Violence Protection act order of protection, regardless of whether these charges would be considered criminal offenses for an adult.

Specifically, the expanded list for serious youthful offender includes second degree murder; voluntary manslaughter; criminal sexual penetration (1st, 2nd, 3rd and 4th degree); robbery while armed with a deadly weapon; shooting at a dwelling or occupied building resulting in great bodily harm to another; and shooting at or from a motor vehicle resulting in great bodily harm to another.

The expanded list for youthful offender includes homicide by vehicle; involuntary manslaughter; failing to stop a vehicle when the vehicle is involved in an accident that results in death; an offense enumerated in the Subsection that is not a serious youthful offender offense and was committed with a firearm. The bill includes a provision that allows for the disposition as a youthful offender if the child was charged as a serious youthful offender but was found to have committed a youthful offender. The bill also includes a provision that allows for the adjudication of the child as a delinquent, with transfer to the children's court for disposition, if the child was charged with as a serious youthful offender but was found to have committed a delinquent act that is neither a serious youthful offender offense nor a youthful offense.

Finally, under the amended definition of delinquent act, the bill removes from that definition those charges now considered youthful and serious youthful offender matters and adds the new offense under delinquent act of, "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". This provision does not apply to a child participating in the medical cannabis program pursuant to the Lynn and Erin Compassionate Use Act; and the definitions of cannabis, cannabis product, and cannabis establishment are the same as the definitions in the Cannabis Regulation

FISCAL IMPLICATIONS

There is no appropriation contained within this bill.

CYFD uses state general funds to pay for juvenile forensic evaluations to determine competency and amenability to treatment, currently \$2.0 per evaluation. Currently, there are two (2) qualified forensic evaluators in New Mexico. While CYFD may be able to absorb the fiscal implication of an expanded number of clients requiring forensic evaluations, this lack of evaluators will result in delays regardless.

An increased youthful offender population will require additional facility staff and space. Each one percent increase in facility population will cost \$337.5 annually, and each additional eight beds will require an initial facility investment plus an additional minimum annual outlay of at least \$1,560.0.

Extended case processing times for additional delinquency charges will also require additional staff to accommodate the increased point-in-time population.

SIGNIFICANT ISSUES

The FY2025 CYFD juvenile justice data indicate that 110 status offenses (runaway) will convert to delinquency offenses (escape from custody), and that the changes to charges eligible for serious youthful offender status would affect 98 clients. CYFD currently anticipates that an average of 85 additional clients would be subject to adult prosecution.

Changes in charge status will also affect case processing averages: where probation violation and delinquency cases average 134 and 195 days from incident to final disposition, youthful and serious youthful offender cases average 489 days. This does not take into account the fact that youthful offender cases require an amenability hearing, and as there are only two (2) evaluators in New Mexico currently, an increased number of youth referred for the evaluation required by an amenability hearing will cause additional delays in case processing.

For youthful and serious youthful offender clients whose cases being handled by the adult system, being subject to the adult system means being eligible for bond throughout the process.

PERFORMANCE IMPLICATIONS

This bill has implications for CYFD performance measures concerning client safety and service timeliness which will be affected without adequate additional funding.

ADMINISTRATIVE IMPLICATIONS

This bill has administrative implications for CYFD concerning staffing, programming, training, contractual outlay, health and behavioral health services, and facility management which cannot be absorbed by existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

33-2-34 references adult correctional facilities.

Line 15 Page 11: *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;*

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS