

<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](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:** 1-27-26 *Check all that apply:*  
**Bill Number:** HB-163 Original  Correction   
 Amendment  Substitute

**Sponsor:** Nicole Chavez, Andrea Reeb **Agency Name and Code** AODA 264  
**Short Title:** Denial of Bail for Certain Offenses **Number:** \_\_\_\_\_  
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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**

House Bill 163 creates the statutory list of dangerous or violent felony offenses that will be used in preventive detention hearings if voters approve the constitutional amendment proposed in HJR 2. The bill identifies a defined set of serious felony offenses, including homicide, kidnapping, violent sexual offenses, robbery, aggravated battery, arson, firearm related felonies, and certain additional offenses that may qualify when the conduct is shown to be dangerous or violent. This list provides the clear legislative designation required for courts to apply a rebuttable presumption in the most serious cases and ensures that the detention framework remains focused on the small group of offenders who pose the highest risk to the community. The bill becomes effective only upon certification that the constitutional amendment has passed, making it an essential companion measure to HJR 2.

### **FISCAL IMPLICATIONS**

HB 163 when coupled with the constitutional amendment in HJR 02 is likely to produce a modest short-term increase in county detention costs as more high risk defendants charged with dangerous or violent felonies are held pretrial, but the overall fiscal impact would be mitigated or cost-saving when viewed across the entire justice system. Because a small number of offenders commit a disproportionate share of serious and repeat crime, detaining that recidivist group prevents new offenses that would otherwise generate substantial costs for law enforcement, courts, emergency services, and victim support systems. Any additional workload for prosecutors, public defenders, and courts is expected to be absorbed within existing resources, and the avoided costs from reduced reoffending would likely outweigh the incremental expenses associated with pretrial detention.

### **SIGNIFICANT ISSUES**

HB 163 supplies the statutory list needed to make the rebuttable presumption in HJR 2 workable, and it does so by focusing on a narrow group of serious offenses already recognized in New Mexico law as involving significant danger. This keeps the presumption limited to the highest risk cases, promotes consistent decisions across courts, and gives judges a clear framework without sweeping in lower level conduct. The bill also preserves judicial discretion in fact dependent cases, which helps maintain due process while still allowing the State to address the small group of offenders responsible for a disproportionate share of violent and repeat crime.

### **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

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

House Bill 163 functions only if HJR 2 is approved by the Legislature and adopted by the voters. The bill provides the statutory list of dangerous or violent felony offenses needed for the rebuttable presumption created by the constitutional amendment. If the amendment does not pass, HB 163 has no legal effect. If it does pass, the two measures operate together to create a

clear and workable preventive detention framework grounded in both constitutional authority and legislative designation.

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

In the event that HJR 02 passes and is approved by the voters, this bill will be necessary to define “dangerous or violent felonies”. If HJR 02 does not pass or is not approved by the voters, it will have no effect.

## **AMENDMENTS**