

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 2/4/2026

**Bill No:** HB 282-280

**Sponsor:** Rep. Terrazas, Sen. Ramos,  
Rep. Baca  
**Short Title:** School & Juvenile Probation  
Cooperation

**Agency Name and Code**    LOPD 280  
**Number:** \_\_\_\_\_  
**Person Writing**    Caitlin Smith  
**Phone:** 505-395-2890    **Email** caitlin.smith@lopnm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

- HB 218 (“Attendance for Success Act Enforcement”)
- HB 219 (“Attendance for Success Act Changes”)
- SB 105 (“Attendance for Success & Excused Absences”)
- SB 165 (“Delinquency Act Changes”)

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: HB 282 would change a number of provisions related to children who are absent from school. The LOPD analysis focuses on provisions that would create criminal penalties for parents who “cause or allow” their children to be absent after a referral to juvenile probation. Other notable provisions authorize judges to suspend driver’s licenses for absent teenagers, require schools to share attendance records with juvenile probation services, and require reports to probation services for students with excessive *excused* absences.

Sections 2 and 3 of HB 282 would amend the Attendance for Success Act, NMSA 1978, § 22-12A-1 et seq:

- Section 2(G) would amend Section 22-12A-6 to provide juvenile probation and parole services with a student’s attendance records “[i]mmediately upon request.”
- Section 3(A) would require juvenile probation and parole services to “initiate enforcement of the Attendance for Success Act for chronically absent students who are subject to a delinquency complaint.”
- Under existing law, if students receive notice that they are excessively absent and their unexcused absences continue, the school board must report them to probation services. See § 22-12A-12(B). Section 3(B) of this bill would extend that provision to *excused* absences.
- For excessively absent students who are from a family in need of services, Section 3(C) would authorize juvenile probation services to call a meeting at any time to review interventions for absences, and it would require such a meeting for an excessively absent student who is subject to a delinquency complaint or other juvenile criminal sanctions.
- Section 3(D) would require juvenile probation services to schedule a meeting to determine interventions for any chronically absent student subject to a delinquency complaint.
- Section 3(E) would authorize the children’s court to suspend the driver’s license of an excessively absent student for up to 90 days for a first finding of excessive absenteeism and up to a year for a second or subsequent finding of excessive absenteeism.

- Section 3(F) requires school boards or equivalent governing bodies to report parents for prosecution if they “cause or allow” their children to continue to be absent after a report to juvenile probation services. This provision would apply to public, charter, and private schools.
- Section 3(G) imposes penalties for this violation. For a first conviction, parents would face a fine between \$50 and \$100, or alternatively community service. For a second or subsequent conviction, parents would face a fine of up to \$500, a jail term of up to six months, or both.

Section 4 of HB 282 would amend the delinquency provisions of the Children’s Code in NMSA 1978, § 32A-2-7:

- Section 4(A) would require a preliminary inquiry on a delinquency complaint to include a review of the child’s school attendance. For chronically absent children, probation services would be required to call a meeting to initiate or review interventions.
- Section 4(E) would require that after a preliminary inquiry on a misdemeanor, for a chronically or excessively absent child, probation services would give notice of the child’s absenteeism to the children’s court attorney.
- Section 4(F) would similarly require probation services to notify the children’s court attorney of chronic or excessive absences if a child is accused of conduct that would constitute a felony.
- Section 4(H) would specify that if the children’s court attorney receives notice of chronic or excessive absences, the children’s court attorney must determine if the child’s family is a family in need of court-ordered services. If so, the children’s court attorney would need to file a petition in accordance with the Family in Need of Court-Ordered Services Act.

Sections 5 and 6 of HB 282 would amend the provisions of the Children’s Code that deal with families in need of court-ordered services, NMSA 1978, § 32A-3B-1 et seq:

- Under current law, a petition to initiate a family-in-need-of-services proceeding involving chronic absenteeism must be accompanied by an affidavit from a school official. Section 32A-3B-11(B). Section 6(A) of the bill would also allow a juvenile probation officer to write the affidavit.

## **FISCAL IMPLICATIONS**

LOPD does not anticipate a significant increase in prosecutions as a result of reinstating parents’ criminal liability for truancy. However, because truancy disproportionately impacts low-income families, enforcement is likely to fall heavily on indigent parents in particular, increasing public defender workload.

LOPD may be able to absorb some additional workload associated with this proposal. But even incremental increases—when combined with the cumulative effect of other criminal legislation—create a corresponding need for additional indigent defense resources to ensure continued compliance with constitutional mandates.

Absent some offsetting reduction in indigent defense workload, any increase in prosecutions would likely require additional indigent defense funding to prevent existing capacity constraints from worsening. The precise fiscal impact cannot be predicted in advance; the need for resources would

have to be evaluated after implementation and based on actual charging and litigation patterns. Given current budget limitations, LOPD remains concerned about the cumulative effect of new offenses and enhanced penalties on overall caseloads and system strain.

## SIGNIFICANT ISSUES

The major concern for LOPD is Section 3(F) and (G), which create a new crime for parents who “cause or allow” their children to continue to be absent after a referral to juvenile probation services. This would reinstate a criminal prosecution mechanism for parents in cases of excessive student absenteeism that was removed when the Legislature enacted the Attendance for Success Act in 2019.

Prior to 2019, New Mexico law (§ 22-12-1 et seq) authorized referral of parents to the district attorney and prosecution for a petty misdemeanor when a parent knowingly allowed a child’s continued nonattendance. That prosecution provision was repealed as part of the 2019 overhaul of the state’s attendance laws, which replaced the former Compulsory School Attendance framework with a service-oriented intervention model centered on referral to juvenile probation services and family support. Under the current model, when unexcused absences continue after notice, the law contemplates referral to juvenile probation services for investigation and, where appropriate, family services engagement and additional interventions designed to improve attendance.

HB 282 would shift New Mexico’s school attendance law back to a punitive framework—even though criminal punishments do not address root causes of truancy, including poverty, housing instability, lack of transportation, disability and health issues, family responsibilities, school safety concerns, and fear of being deported. See Augustina Reyes, *Compulsory School Attendance: The New American Crime*, 10 Educ. Sci. 75 (2020) (pdf at 17, 19-20, 23), <https://www.mdpi.com/2227-7102/10/3/75>; Rebeca Mireles-Rios et al., *Pushed Out for Missing School: The Role of Social Disparities and School Truancy in Dropping Out*, 10 Educ. Sci. 108 (2020) (pdf at 7-10), <https://www.mdpi.com/2227-7102/10/4/108>. Research on a similar criminal penalty in Texas found that fines fell disproportionately on Hispanic families and that the fines were ineffective at improving attendance: “Punitive Texas school compulsory attendance laws have not improved over the last 200 years while targeting the same suspects.” Reyes, *supra*, at 11, 21-22.

Additionally, HB 282’s proposed criminal penalty would apply to any parents who “cause or allow” absences after a referral to juvenile probation—regardless of the reason for the absence. It appears that the criminal penalties would attach even if a child were absent due to serious illness or a family emergency.

LOPD also notes relates concerns with Section 3(E) of the bill, which would authorize the children’s court to suspend driver’s licenses of excessively absent teenagers. Teenagers who are absent because of the issues described above (such as family responsibilities, housing instability, and family health issues) may play an essential role in running errands or transporting other family members. Suspending their driver’s licenses puts additional stress on families who need assistance rather than punishment.

Finally, LOPD notes concerns with Section 2(G), which would respectively require districts to share attendance records with juvenile probation services upon request (apparently for any student, not solely for students who are already involved in the delinquency system), and Section 3(B), which would require schools to refer excessively absent students to juvenile probation services even for excused absences. Both of these provisions could have the effect of increasing

entanglement between schools and the juvenile probation system, resulting in more children entering the juvenile justice system.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

Three other bills in this session would amend the Attendance for Success Act, several in overlapping or conflicting ways: HB 218 (“Attendance for Success Act Enforcement”), HB 219 (“Attendance for Success Act Changes”), and SB 105 (“Attendance for Success & Excused Absences”). HB 218 would similarly impose criminal penalties on parents whose children were absent after a referral to juvenile probation services. HB 218, HB 219, and HB 282 are all co-sponsored by Rep. Terrazas and Sen. Ramos.

SB 165 (“Delinquency Act Changes”) would also amend Section 32A-2-7.

## **TECHNICAL ISSUES**

Analyst is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill and analyst is unaware that it has been drawn pursuant to a special message of the Governor.

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**