

LFC Requester:	
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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: 2/4/2026 *Check all that apply:*
Bill Number: HB 301-280 Original Correction
 Amendment Substitute

Sponsor: Rep. Dow **Agency Name and Code Number:** 280 - Law Offices of the Public Defender
Short Title: Judicial Branch Info Tech Projects **Person Writing:** Theresa Edwards
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0	\$1,200.0 (to AODA)	Nonrecurring	General Fund

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: HB 301 authorizes the Department of Information Technology (DoIT) to enter into agreements, where feasible, to undertake information technology projects on behalf of the judicial branch of state government, including establishing vendor price agreements under applicable procurement laws. The bill requires the department to publish an annual catalog of available IT goods and services.

The bill sets conditions under which non-DoIT customers must comply with applicable rules for a DoIT provided good or service but cannot require compliance with other rules or law unless specifically provided by other law.

The bill appropriates \$1.2 million from the general fund to the Administrative Office of the District Attorneys for technology goods and services statewide, with any unexpended balance reverting to the general fund after fiscal year 2027.

FISCAL IMPLICATIONS

There is no appropriation to LOPD contained in the bill, although there is \$1.2 million to the Administrative Office of the District Attorney for the purchase of technology goods and services in coordination with the Department of Information Technology.

SIGNIFICANT ISSUES

As written, HB 301 makes all “judicial branch” cooperation with DoIT on information technology projects voluntary. At the same time Section 1 (D) gives DoIT the authority to require “non-agency customers” to comply with DoIT rules and guidance applicable to a DoIT provided good or service. Subsection D goes on to say that DoIT shall only access non-agency data as necessary to establish and maintain the goods and services it has made available.

Analyst assumes that “non-agency customers” in Subsection 1(D) means any non-executive branch customer, and includes the judicial branch agencies that may enter into agreements pursuant to Section 1(A), but that phrase is not specifically defined. LOPD is a judicial branch agency.

Although HB 301 cannot compel judicial branch entities to participate in information technology projects with DoIT, the bill’s ambiguities regarding DoIT’s enforcement authority and what data DoIT can access, create potential vulnerabilities for the judicial branch agencies that enter into these agreements.

When a non-agency customer has voluntarily opted-into a good or service via agreement with DoIT, Subsection D gives DoIT the authority to enforce rules and guidance for its use, with no clarity or boundaries defining what rules and guidance DoIT has the authority to enforce. If a judicial branch agency, for example, opts into purchasing specific products through DoIT, DoIT could potentially seek to enforce a more general DoIT rule or policy on network setup as a

condition of using the purchased product. Analyst is concerned the bill could give DoIT the ability to reach further into the judicial agency's technology and cybersecurity policies than what is necessary to ensure proper use of a single product.

Subsection D also fails to adequately define the nature of the data that DoIT would be able to access if an agency enters into an agreement with them, or how to determine appropriate limitations on that data access. If a judicial branch agency enters into an agreement with DoIT, DoIT can access agency data "as necessary," but that term remains entirely undefined.

It is critically important that the information held and maintained by the judicial branch of government remain separate from the executive branch. There is information held by the judicial branch that would not be appropriate for the executive branch to see, especially information related to court proceedings that would be inappropriate for the other branches to access. Additionally, LOPD is unique from other judicial agencies in that we hold extremely sensitive, attorney-client privileged information, including medical records, competency evaluations, phone records, and other records that can only be disclosed by order of a court. All of LOPD's client communication is privileged.

Over the past several years, LOPD has significantly strengthened its security infrastructure, including migrating many services to the cloud. LOPD has implemented an always-on security platform that continuously monitors devices for threats, blocks attacks in real time, and can often remediate damage automatically. In transitioning to our new email system, LOPD adhered to all NIST standards - the recognized gold standard for cybersecurity - and was among the first agencies to do so, if not the first. LOPD is currently in a strong position to protect data.

Because of the requirement and importance that judicial branch agencies maintain both independence and data security, the ambiguity of this provision creates potential vulnerabilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

LOPD may face increased or duplicative costs if required to work with DoIT in the future as the department already has effective safeguards and programs in place. LOPD has consistently utilized available statewide price agreements to cover the costs of IT projects and cyber security needs.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS