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| LFC Requester: | Henry Jacobs |
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AGENCY BILL ANALYSIS – 2026 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: 02/05/2026 *Check all that apply:*
Bill Number: HB331 Original Correction
 Amendment Substitute

Sponsor: Rep. Yanira Gurrola, Rep. Janelle Anyanonu, Rep. Eleanor Chavez **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Chavez **Person Writing:** Jessica A Mascareñas
Title: Chavez **Phone:** 505-699-5422 **Email:** JessicaA.Mascarenas@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26 | FY27 | | |
| N/A | N/A | N/A | N/A |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26 | FY27 | FY28 | | |
| N/A | N/A | N/A | N/A | N/A |
| | | | | |

(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 | \$0.0 | \$201.9 | \$178.9 | \$380.8 | Recurring | General Fund |

(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 331 (HB-331) amends the Criminal Record Expungement Act (CREA) to create a new, expedited expungement process for individuals charged with certain domestic violence offenses who are acquitted or whose charges are dismissed with prejudice.

The bill defines “domestic violence crime” to include specific offenses committed against a household member, such as assault, battery, aggravated battery, criminal damage to property, and violation of an order of protection.

Under the bill, an eligible person may request expungement at any time after the acquittal or dismissal, eliminating the one-year waiting period that applies to most non-conviction cases under current law.

The court must order expungement of all related arrests and public records, and the expungement must be completed within 30 days of the order.

The bill also provides that no fees may be charged for requesting or processing expungement in these cases and makes conforming amendments to existing sections of the Act.

FISCAL IMPLICATIONS

HB-331 creates a faster process to erase certain domestic violence cases from a person’s record when they are found not guilty or the case is permanently dismissed. Right now, most people must wait one year before asking for an expungement. This bill removes that waiting period and requires the records to be cleared within 30 days after the court order.

Because people would be able to request expungement right away, the number of requests is likely to increase, and they will need to be processed more quickly. The bill also removes the fees for these expungements through the courts. This means the agency will still have to do the work, but it will no longer collect money to help cover the cost of processing those requests.

Historically, about 40% of expungements processed by the Department of Public Safety (DPS) has been related to domestic violence cases. If the waiting period is removed and the fees are eliminated, the number of requests in this category is likely to increase even further, which would add to the bureau’s workload.

As part of the expungement process, the requester must submit a criminal history record, commonly called a “rap sheet.” To obtain this, the requester pays \$15 to the Department of Public Safety (DPS) for a name-based background check. This information is pulled from the DPS Criminal History Repository (CHR) and is required to verify the person’s record before the expungement can be processed. These fees help offset the cost of providing criminal history information.

Within the Law Enforcement Records Bureau (LERB), a separate group of staff is responsible for processing these name-based background check requests. If HB-331 increases the number of expungement petitions, it will also increase the number of background check requests, creating additional workload for that staff as well.

The bureau only has a small number of employees who handle expungements, cannabis expungements, National Instant Criminal Background Check System (NICS) updates, and background check requests. NICS record updates must be completed within a strict federal three-day deadline, which means that work must take priority. If expungement requests and background check requests increase, it could make it harder for the bureau to keep up with both the new state deadlines and the federal requirements without additional staff or system improvements.

Due to the expected increase in expungement and background check requests, the department anticipates the need for two additional full-time employees:

- One FTE dedicated to processing name-based background checks, and
- One FTE is dedicated to completing expungements.

The initial cost of these FTE positions would be \$201,900, with a recurring annual cost of \$178,900.

Without these additional staff, the bureau may have difficulty meeting the new state expungement deadlines.

SIGNIFICANT ISSUES

HB-331 creates a faster process for expunging certain domestic violence cases. People would no longer have to wait one year after an acquittal or dismissal. Instead, they could request expungement right away, and the records would have to be cleared within 30 days.

Because of this change, the number of expungement requests is likely to increase, especially since about 40% of past expungements have involved domestic violence cases. Removing the waiting period and court fees will likely encourage more people to apply.

The Law Enforcement Records Bureau (LERB) currently has limited staff handling:

- Expungements,
- Automatic cannabis expungements,
- Federal background check (NICS) updates, and
- Name-based background checks.

If the number of expungements increases, staff may struggle to keep up with both the new state deadlines and the federal deadlines. Critically, new § 29-3A-10 does not require the petitioner to provide notice to DPS or the district attorney before expungement is ordered, which bypasses the 30-day notice-and-objection period that § 29-3A-4(B)(2) currently affords DPS for all other expungement petitions. Additionally, Section 3 amends § 29-3A-7 to provide that expunged domestic violence arrest records need not be disclosed in connection with FINRA or SEC employment queries, unlike all other expunged arrest records, which must still be disclosed for those purposes.

PERFORMANCE IMPLICATIONS

The bill could affect how quickly the bureau completes several important tasks.

If expungement requests increase:

- Staff may have less time to work on NICS updates, which have strict federal deadlines.
- Expungement and cannabis expungement requests could begin to pile up.
- Overall processing times may increase without additional staff.

To meet the new 30-day expungement requirement while still meeting federal NICS deadlines, the bureau may need additional employees or improved system automation.

ADMINISTRATIVE IMPLICATIONS

The bill would require changes to how the bureau handles expungements. These changes may include:

- Updating internal procedures to handle immediate expungement requests for certain domestic violence cases.
- Tracking and prioritizing expungements to meet the new 30-day deadline.

- Coordinating more frequently with courts to receive and process orders quickly.
- Handling an increase in name-based background check requests required for expungement petitions.

Because of the expected increase in workload, the department anticipates needing:

- One additional staff member to process name-based background checks, and
- One additional staff member to complete expungements.

Without these additional staff, the bureau may have difficulty meeting both state and federal processing deadlines.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS.

TECHNICAL ISSUES

HB-331 does not require a new system, but it may create technical and workflow challenges for the Law Enforcement Records Bureau.

When processing an expungement, LERB staff must manually pull case information from the court system (Cyberduct (legacy system) and Odyssey File & Serve) and then apply those updates within the DPS criminal history systems. This is not an automated process. Staff must:

- Locate the correct case information in Cyberduct,
- Verify the records various NMDPS applications and physical records
- Manually update the criminal history repository, and
- Confirm the expungement is completed.

Each expungement can take **15 to 60 minutes**, depending on the complexity of the case.

HB-331 requires certain expungements to be completed within **30 days**, and it is expected to increase the number of requests. Because the process relies on manual review and updates across systems, higher volumes may:

- Increase processing time,
- Create backlogs, and
- Increase the risk of delays or human error.

Without system automation or additional staff, the current manual process may make it difficult for LERB to keep up with the new expungement deadlines.

Unlike § 29-3A-4(C), the new § 29-3A-10 does not require the petitioner to attach a DPS rap sheet (record of arrest and prosecutions) to the request, which may deprive LERB of advance notice of the specific records to be expunged and require staff to independently locate and verify the relevant criminal history entries. New § 29-3A-10(C)(2) also imposes an affirmative obligation on LEAs and courts to notify both the court and the requesting person when expungement is completed, a new reporting requirement that is not present in the current Act.

OTHER SUBSTANTIVE ISSUES

1. Increased demand due to immediate eligibility

The bill allows people to request expungement immediately after an acquittal or dismissal, instead of waiting one year. This may significantly increase the number of requests submitted to the courts and DPS, especially since domestic violence cases already make up a large portion of current expungements.

2. Elimination of court fees may increase requests

By removing expungement fees, the bill lowers the financial barrier for applicants. This may encourage more people to request expungements, which could further increase workload for the courts and the Law Enforcement Records Bureau.

3. Strict 30-day completion requirement

The bill requires expungements to be completed within 30 days. This is a shorter and more rigid timeline than current processes and may be difficult to meet if:

- Orders are received in batches,
- Case information is incomplete, or
- Staffing levels remain the same.

4. Impact on other critical workloads

The same staff who process expungements also handle:

- Federal NICS background check updates, which must be completed within three days, and
- Other criminal history record functions.

If expungement requests increase, staff may have to shift time away from these federally required tasks, which could create compliance risks.

5. Increased background check requests

Each expungement petition requires a \$15 name-based background check (“rap sheet”) from DPS. If expungement requests increase, the number of these background check requests will also increase, adding workload to another unit within the bureau.

6. Lack of funding tied to new requirements

The bill creates new deadlines and workload but does not include funding or staffing increases. Without additional resources, the bureau may struggle to meet both the new state requirements and existing federal deadlines.

ALTERNATIVES

No alternatives implications to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain. The current one-year waiting period under § 29-3A-4 would continue to apply to all non-conviction expungements, including domestic violence cases, and DPS would retain its statutory right to notice and a 30-day objection period before any expungement order is entered. LEAs and LERB would not face the new 30-day completion deadline or the affirmative completion-notification requirement.

AMENDMENTS

No Amendments at this time.