

LFC Requester:

Scott Sanchez

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: 7 February 2026 *Check all that apply:*
Bill Number: HB 339 Original Correction
 Amendment Substitute

Sponsor: De La Cruz **Agency Name and Code Number:** New Mexico Sentencing Commission (354)
Short Title: Juvenile Justice Changes **Person Writing:** Douglas Carver
Title: _____ **Phone:** 505-239-8362 **Email:** dhmcarver@unm.edu

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	\$451	Nonrecurring	

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 339 makes a number of changes to the Delinquency Act and other sections of law concerning juvenile offenders, as follows:

- 1) HB 339 amends Section 32A-2-3, the definitions section of the Act, in the following manner
 - The definition of “delinquent act is changed by removing from the list of crimes unlawful taking of a vehicle or motor vehicle; and receiving or transferring of a stolen vehicle or motor vehicle.
 - The definition of “delinquent offender” is changed to that a delinquent offender is an “adjudicated” delinquent child (present language only has “delinquent child”).
 - The definition of “serious youthful offender” is expanded to include a child who is 17 and charged with criminal sexual penetration in the first degree as provided in Section 30-9-11 (the present statute only has first degree murder – these added crimes were moved from the “youthful offender” definition).
 - The definition of “youthful offender” for 14 year olds has had criminal sexual penetration in the first degree as provided in Section 30-9-8 added (the present statute only has first degree murder for a 14 year old youthful offender).
 - The criminal sexual penetration provision in the definition of a youthful offender has also been changed to conform with the other changes.

- 2) The bill amends Section 32A-2-8, regarding authorization to file a petition alleging delinquency, by adding that in a case against a serious youthful offender, if the prosecution and defense agree that interests of justice, the welfare of the child and the safety of the public will be served by subjecting the child to juvenile sanctions, the parties shall give notice to the District Court and the Children's Court attorney that the case will be transferred to the Children's Court. Upon receiving that notice, the Children's Court attorney shall file a petition against the serious youthful offender to initiate adjudication proceedings in the Children's Court

- 3) The bill amends Section 32A-2-19, regarding the disposition of an adjudicated delinquent, to expand the section to include youthful offenders. Options the court may consider for the disposition of the child that have changed include: transferring legal custody to CYFD -- the distinctions between short- and long-term commitments are removed from this section (the possible terms of commitment are outlined in a new section of law, Section 32A-2-19.1). The restriction on committing a child to a penal institution used for execution of sentencing of persons convicted of crimes has been removed from this section of law to the new Section 32A-2-19.1. Additionally, the bill adds that the court shall order a disposition transferring the legal custody of a child to the CYFD for commitment at a facility for the care and rehabilitation of adjudicated delinquent children in accordance with Section 32A-2-19.1 (the a new section of law in this bill) if the child is: (1) a serious youthful offender; or (2) adjudicated as a delinquent offender or youthful offender for: (a) first or second degree murder; (b) first degree criminal sexual penetration; or (c) abuse of a child that results in great bodily harm or death.

- 4) The bill adds a new section to the Delinquency Act, referenced above, Section 32A-2-19.1,

regarding standard terms of commitment for an adjudicated delinquent offender or a youthful offender. This new section has the restriction on placing children into adult penal institutions, unless the child is a youthful offender subject to an adult sentence. The section requires the child undergo an assessment at a CYFD-designated assessment facility prior to placement at a facility for the care and rehabilitation of adjudicated delinquent children. The short- and long-term time restrictions on terms of commitment have been moved to this new section, but the periods have been modified, as follows. Short-term commitment shall not exceed nine months, down from one year; no more than six months of the commitment may be served at a facility, down from nine months. Long-term commitment remains the same as in current law, except that the petition to extend the commitment process has been removed from both short- and long-term periods of commitment. Additionally, the new section adds that the standard term of commitment for a child who is adjudicated as a delinquent offender for an offense that would have otherwise made the child a youthful offender begins on the date of the dispositional judgment and ends on the date the child reaches the age of 21 and is subject to modification in accordance with Section 32A-2-23; provided that if the child was adjudicated for first degree murder, second degree murder, first degree criminal sexual penetration or abuse of a child resulting in great bodily harm or death, commitment until the child reaches the age of 21 is mandatory. Similarly, the standard term of commitment for a child who is a youthful offender adjudicated for first degree murder, second degree murder, first degree criminal sexual penetration or abuse of a child resulting in great bodily harm or death is mandatory commitment from the date of the dispositional judgment until the child reaches the age of 26, and the standard term of commitment for a serious youthful offender adjudicated pursuant to the Delinquency Act and subject to juvenile sanctions is mandatory commitment from the date of the dispositional judgment until the child reaches the age of 26.

5) The bill amends Section 32A-2-23, regarding limitations of dispositional judgments and termination or extension of court orders. The court now would additionally retain jurisdiction under the bill for a serious youthful offender subject to juvenile sanctions; or a child adjudicated as a delinquent offender or youthful offender for first or second degree murder, first degree criminal sexual penetration, or abuse of a child that results in great bodily harm or death. There is also language making various conforming changes in this section of the bill.

6) The bill amends Section 32A-2-23.1, regarding release eligibility, by adding that CYFD does not have jurisdiction over or the authority to release a delinquent child adjudicated for first degree murder, second degree murder, first degree criminal sexual penetration or abuse of a child resulting in great bodily harm or death.

7) The bill amends Section 32A-2-25, regarding parole revocation, by rewording much of the existing language, but also by setting in statute the procedures for a revocation of supervised release. Under this additional language, if CYFD proposes revocation, CYFD shall conduct a revocation hearing that is presided over by CYFD or a neutral hearing officer contracted by CYFD.

8) The bill also has an appropriation for \$1 million to the Juvenile Justice Division of CYFD to implement the bill's provisions.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be

reported in this section.

SIGNIFICANT ISSUES

The crimes of unlawful taking of a vehicle or motor vehicle; and receiving or transferring of a stolen vehicle or motor vehicle were removed from the list of crimes under the definition of a delinquent act, but were not relocated to either the definition of serious youthful offender or youthful offender.

The changes to the scope of who might be considered a serious youthful offender could have impacts on the juvenile detention system. There were 20 cases adjudicated in FY24 where Section 30-9-11 was charged as any offense and was committed by a person under the age of 18 on the offense date. In the 20 cases where it was charged, it was always the lead offense. The dispositions are as follows: 9 (45%) dismissed, 8 (40%) conviction, and 3 (15%) conditional discharge. Two of these juveniles were 17 on the offense date. One had a conviction, and one had a dismissal. On June 30, 2024, there were seven people who were younger than 18 on the offense date incarcerated in New Mexico's prisons under Section 30-9-11. The average expected length of stay was 19.2 years, and the median was 5.3 years (these incorporate expected EMD).

In November 2025, the NMSC published a Select Crimes Issue Paper on Violent Juvenile Offenses (FY 2024). That paper can be accessed here: <https://nmsc.unm.edu/reports/2025/select-crimes-issue-paper-violent-juvenile-offenses-fy2024.pdf>

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 339 conflicts with SB 165, which make different changes to some of the same sections of the Delinquency Act.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS