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| LFC Requester: | |
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**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 Jan. 26, 2026
Bill No: SB 51-280

Sponsor: Antoinette Sedillo Lopez
Short Title: Wrongful Conviction Compensation Act

Agency Name and Code LOPD-280
Number: _____
Person Writing Kim Chavez Cook
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|---------|---------------------------|---------------|
| FY26 | FY27 | | |
| | \$9,000 | Non-recurring | General |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

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

(Parenthesis () Indicate Expenditure 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: This bill is similar in concept to 2025’s SB 407, with some different approaches.

This bill would create the Wrongful Conviction Compensation and Services Act, which provides a process for petitioning a district court for relief if they can show by a preponderance of the evidence that they were convicted and served a sentence for a crime of which they are “innocent.”

Innocence would be defined as either (1) they did not commit the crime, (2) the crime was not committed, (3) that in light of newly discovered evidence, no reasonable jury would have convicted, or (3) they person was pardoned or had their conviction overturned by a court, then was not re-convicted other than by “Alford plea.” An Alford plea is defined as a plea entered while maintaining one’s innocence.

“[I]f the court approves the person’s petition, the person shall be exonerated and entitled to compensation, damages and other appropriate relief” as provided in the Act. The bill would entitle petitioners to:

- Not less than \$75,000 for each year the person was imprisoned plus an additional \$25,000 per year if imprisoned and awaiting execution under a death sentence;
- Not less than \$50,000 per year that a released person spent on parole or probation or subject to a requirement to register on the sex offender registry based on the wrongful conviction;
- As well as any actual damages incurred;
- Expungement; and
- A formal letter from the attorney general confirming the exoneration.

The bill would further provide a mechanism for exonerees under the Act to request ongoing financial assistance upon release. The bill provides limitations on entitlement to relief and procedures for awarding damages. It also includes a waiver of sovereign immunity authorizing compensation from the non-reverting “wrongful conviction compensation fund.”

The bill would appropriate \$9 million to initially fund the wrongful conviction compensation fund for expenditure in FY27.

FISCAL IMPLICATIONS

This bill could certainly facilitate the mission of the LOPD to minimize harms from the criminal legal system, and in the long run could reduce system involvement, as people who are incarcerated – even wrongly – are more likely to become re-involved in the system after release. Compensating damages and facilitating reentry, including two years of ongoing services, would dramatically reduce that recidivism rate.

LOPD does not have data reflecting appellate or post-conviction reversal resulting in dismissal, acquittal, or an Alford plea. Nor does LOPD have data for wrongful convictions established through the civil DNA testing process, or actual innocence claims established through federal habeas proceedings. Similarly, LOPD does not have data on the costs associated with defending civil litigation in the context of establishing that a wrongful conviction was based on the violation of an established right.

Civil litigation to remedy wrongful convictions relies on establishing fault on the part of someone in the criminal legal system, whereas a wrongful conviction fund is a no-fault system. Claims under this act are premised on establishing that the conviction and imprisonment was wrongful, without the need to establish that a particular actor violated an established right. Such a system could lessen the burdens on all parties and more efficiently and effectively start to make whole those who have been wrongfully convicted and imprisoned without the need to pinpoint fault.

This analyst suggests clarifying that a claimant who establishes a wrongful conviction and recovers damages under this Act, shall not obtain duplicate recovery for the same economic loss in a judgment or settlement against any state actor in a civil action arising out of the same occurrence.

SIGNIFICANT ISSUES

The LOPD supports providing compensation for individuals who experienced actual damage from wrongful arrest, prosecution, and incarceration, and support a path to compensation that does not *require* the expense and delay of civil litigation and does not implicate the budgets of state agencies. New Mexico courts have recognized “incarcerated individuals do not forfeit all constitutional protections by reason of their confinement.” *State v. Chacon*, 2018-NMCA-065, ¶ 10, 429 P.3d 347.

The National Registry of Exonerations, a project of several law schools, maintains an extensive database of known exoneration in the United States as well as each state’s wrongful conviction compensation program, if any. As of 2025, thirty-eight states and the District of Columbia have state wrongful conviction compensation statutes. A chart outlining the process in each state is available at: <http://exonerationregistry.org/compensation>.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

LOPD recommends that the bill clarify that a claimant under this Act shall not obtain duplicate recovery for the same economic loss, and any judgment or settlement in any civil action arising out of the same occurrence, shall be reduced by the amount of compensation paid for such loss under the Wrongful Conviction Compensation Act.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS