

LFC Requester:

Henry Jacobs

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: 1/23/2026

Check all that apply:

Bill Number: SB51Original Correction Amendment Substitute Sponsor: Antoinette Sedillo LopezShort Wrongful ConvictionTitle: Compensation ActAgency Name
and Code

Number:

770- NMCD

Person Writing

A. Griego QuintanaPhone: 505-479-2296Email Anisa.griego-quinta@cd.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

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	0	0	0	0	N/A	N/A

(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: Senate Bill 51 creates the Wrongful Compensation Act to provides a process for a person wrongfully convicted of a misdemeanor or felony to petition for exoneration and obtain compensation and other relief. Creates the Wrongful Conviction Compensation Fund. Appropriates \$9 million (GF, nonreverting) to the Fund for use in FY2027 and subsequent years.

EXONERATION PROCESS:

- A person who claims to have been wrongfully convicted in state court may petition in district court for an exoneration.
- The person has the burden of proof by a preponderance of the evidence. Details of required proof are provided.
- Upon filing of a petition, the court shall serve notice on the Attorney General and schedule a hearing within 10 days. The hearing shall be held within 180 days from filing, barring good cause.
- If the court approves the petition, the person shall be exonerated and entitled to compensation, damages, and other relief.
- Notice of the rights provided for in the Wrongful Conviction Compensation Act must be given to defendants in certain specified circumstances.
- An action pursuant to the Wrongful Conviction Compensation Act must be filed within six years from the date of notice of the Act, with certain exceptions noted.

MONETARY RELIEF:

A person who is exonerated is entitled to:

- Compensation of (1) a minimum of \$75,000 for each year of imprisonment, prorated; (2) a minimum of \$50,000 for each year on probation or parole or subject to the Sex Offender Registration and Notification Act, prorated; and (3) an additional \$25,000 per year of imprisonment if the person was awaiting execution of a death sentence, prorated.
- Actual damages including lost wages, pain and suffering, emotional distress, fines, fees, or restitution or child support arrearage plus interest
- Reasonable attorney fees, costs, and expenses.

Compensation shall be adjusted annually beginning July 1, 2027 based on the Consumer Price Index cost-of-living.

Compensation shall not be provided for time the person was imprisoned or on probation or parole or on the Sex Offender Registry while serving a concurrent sentence for an unrelated separate conviction; some qualifications apply.

OTHER RELIEF:

If the court approves a petition for exoneration, the court shall enter an order immediately expunging all publicly available records of the arrest, prosecution, conviction, and sentence; and an order directing the Attorney General to provide the person within 60 days with a letter stating the person was wrongfully convicted.

FISCAL IMPLICATIONS

Senate Bill 51 does not affect sentencing or inmate population. The bill does, however, require NMCD to comply with court orders directing the expungement of institutional and publicly available records for exonerated individuals. While the number of such cases is likely to be small, this creates a direct administrative workload for the Department and may result in limited operating costs.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

See fiscal implications above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None