

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: 1-26-26 *Check all that apply:*
Bill Number: SB-85 Original Correction
 Amendment Substitute

Sponsor: Antoinette Sedillo Lopez **Agency Name and Code** AODA 264
Short Title: Amend Abuse & Neglect Act **Number:** _____
Title: _____ **Person Writing** Dustin O'Brien
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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						

(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

Senate Bill 85 amends the Abuse and Neglect Act to require notification to U.S. military installations when a service member is involved in allegations of child abuse, child neglect or domestic violence. The Bill also requires that local law enforcement agencies and CYFD seek memoranda of understanding with all military installations in this State.

The bill directs the clerk of the court to send a copy of an order of an protection involving a member of the military to a designated military authority for the installation to which the service member is assigned when an order of protection is granted under the Family Violence Protection Act.

The Bill requires that if law enforcement officers determine that an involved party is a member of the United States Military that the officer must notify a designated authority at the installation to which an involved party is assigned. The Bill also requires that local law enforcement agencies seek memoranda of understanding with all military installations in this State.

Senate Bill 85 also requires courts to permit remote appearances (by digital or telephonic means) in hearings on domestic abuse orders of protection by all parties if a request is made.

FISCAL IMPLICATIONS

This bill may increase costs for law enforcement and the courts. Agencies will need new procedures to identify military status and send notifications, and courts may need to bear the burden of determining where to send orders of protection. There would likely be additional training costs for courts and law enforcement. Because the bill requires disclosure at the investigative stage and does not define what information may be shared, it also creates heightened litigation risk for privacy or improper disclosure claims, which could result in additional legal expenses.

There does not appear to be any fiscal impact of District Attorneys.

SIGNIFICANT ISSUES

A. “Involved in the underlying allegation” is overbroad and undefined.

Senate Bill 85 requires notification to a military installation when their assigned service member is involved in the underlying allegation of child abuse, neglect, or domestic abuse.

Being involved in an allegation is an extremely broad class of individuals and it appears that this Bill would intend for that class of individuals to be more narrowly construed but as written it could include those listed below in any investigation pursuant to the Abuse and Neglect Act or the Family Violence Protection Act.

- Victims
- Witnesses
- Reporting parties
- Uncharged suspects

- Individuals mentioned in a report but not implicated
- People present at the scene but not accused of wrongdoing

This creates major privacy and due-process concerns, including:

- Disclosure of sensitive information about victims and witnesses to a military command without their consent
- Disclosure of investigative information about uncharged individuals, potentially violating presumption of innocence
- Disclosure of allegations that may later be deemed unfounded
- Exposure of protected information under state and federal confidentiality laws

The bill, as written, could require law enforcement to notify a military installation even when no crime has been charged, no petition has been filed, and no judicial finding has been made.

- B. While the Bill only requires that every local law enforcement agency and CYFD seek to enter an MOU with each military installation in the State it cannot require that each military installation enter an agreement. There are 5 major military installation in New Mexico and over 125 local law enforcement agencies. The approach required by this Bill may result in many inconsistent attempts to obtain agreements. The Bill does not specify the purpose of what the MOU's are, other than for the local law enforcement to provide notice to military installations which would not require an MOU.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

Law enforcement agencies and the courts would require additional training and would need to develop procedures to comply with the requirements of this bill. Law enforcement agencies and CYFD would be required to draft and attempt to enter MOUs with all military installation in the State and would also be required to notify installation outside of the State whenever a member of the military was involved in a designated investigation. This could be a significant administrative burden.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status Quo

AMENDMENTS