

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

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 x Correction
Amendment Substitute

Sponsor: Sen. Antoinette Sedillo Lopez

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Amend Abuse and Neglect Act

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

SB 85 would amend the Children’s Code and the Family Violence Protection Act. SB 85 primarily aims to (1) require local law enforcement to enter into memoranda of understanding with each military installation in the State to address instances where a member of the United States military is alleged to be involved in the underlying altercation and (2) allow remote appearances at the request of any party at a hearing on a petition for any order of protection provided for in the Family Violence and Protection Act.

Section 1 of SB 85 would amend NMSA 1978, Section 32(A)-4-3 (2025) of the Children’s Code, which addresses the duty to investigate and report child abuse and child neglect.

Section 1(G) would amend the phrase “pregnant woman” to “pregnant person.” Section 1(G) discusses the obligations of volunteers, contractors, or staff at a hospital or “freestanding birthing center” with respect to reporting obligations and a pregnant person’s purported drug use.

Section 1(I) would change existing law by requiring local law enforcement agencies and CYFD to “seek memoranda of understanding with a designated authority for each military installation in the state to facilitate the requirements of this section.” Furthermore, if the person involved in the underlying allegation was determined to be a member of the United States military, either CYFD or the local law enforcement agency would be required to “notify a designated authority for the military installation to which the member is assigned.”

Section 2 of SB 85 would amend NMSA 1978, Section 40-13-3 (2008), which addresses orders of protection under the Family Violence Protection Act.

Section 2(H) would change existing law by requiring courts to authorize the remote appearance by digital or telephonic means for all parties if requested at a hearing on a petition for any order of protection provided for in the Family Violence Protection Act.

Section 3 would amend NMSA 1978, Section 40-13-6 (2013).

Section 3(A) would amend existing law to require that if the party subject to the order is a member of the US military, a “designated authority for the military installation to which the party is assigned” would have to receive a copy of the order of protection.

Section 3(D) would change an instance of “whom” to “who.”

Section 4 would amend NMSA 1978, Section 40-13-7 (2008).

Section 4(F) would require a law enforcement officer, when responding to a request for assistance, to notify the designated authority for the military installation when the person involved in the underlying allegation is a member of the US military. Section 4(F) would also require local law enforcement agencies to “seek” memoranda of understanding with a designated authority for each military installation in the State.

FISCAL IMPLICATIONS

None for this office.

SIGNIFICANT ISSUES

SB 85 requires state law enforcement agencies to enter into memoranda of understanding (MOUs) with the “designated authority” of military installations but does not define that term. Accordingly, it is unclear who law enforcement agencies would have to enter into MOUs with.

The scope and purpose of the MOUs contemplated in Sections 1(I) and 4(F) are unclear. If they are intended simply to streamline the process of giving notice under those subsections, then there is likely no legal obstacle. However, both subsections more broadly refer to entering into MOU “to facilitate the requirements of this *section*.” Read literally, that language includes all of the various requirements in Sections 32(A)-4-3 and 40-13-7. Those sections require officers to perform various actions, including personally serving restrained parties and arresting suspected abusers. Because the federal government exercises exclusive control of federal military installations, *see* U.S. Const. Art. I, § 8, cl. 17, performing those duties on military installations would implicate other legal provisions governing land ceded to the federal government. *See* NMSA 1978, Sections 19-2-3 to –12 (describing conditions under which the State may still execute criminal process on ceded lands). Any such MOU would need to account for those legal provisions.

PERFORMANCE IMPLICATIONS

None for this office.

ADMINISTRATIVE IMPLICATIONS

None for this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None.