

LFC Requester:

Sanchez, Scott

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: 1/26/2026

Check all that apply:

Bill Number: SB 94

Original Correction
Amendment Substitute

Sponsor: Sen. Antoinette Sedillo Lopez

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

Short Title: DOMESTIC VIOLENCE OFFENDER TREATMENT PGM

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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:

This is a proposed amendment to Sections 30-3-12 through 30-3-18 NMSA 1978 regarding domestic violence crimes.

Section 1 – the bill proposes to add a requirement that offenders participate in domestic violence offender treatment or intervention program approved by the CYFD. (This requirement already exists in Sections 4 and 5 of the current statute.)

The bill also defines the applicable period of probation and proposes that where a person convicted under this section has their sentence suspended or deferred, but then violates probation and is revoked, that person would not be given credit for time served on probation.

Section 2 – the bill proposes to add a requirement that offenders participate in domestic violence offender treatment or intervention program approved by the CYFD. (This requirement already exists in Sections 4 and 5 of the current statute.)

The bill also defines the applicable period of probation and proposes that where a person convicted under this section has their sentence suspended or deferred, but then violates probation and is revoked, that person would not be given credit for time served on probation.

Section 3 – the bill proposes to add a requirement that offenders participate in domestic violence offender treatment or intervention program approved by the CYFD. (This requirement already exists in Sections 4 and 5 of the current statute.)

The bill also defines the applicable period of probation and proposes that where a person convicted under this section has their sentence suspended or deferred, but then violates probation and is revoked, that person would not be given credit for time served on probation.

Section 4 – This section is slightly different in that the current statute already requires participation in domestic violence offender treatment or intervention program approved by the CYFD.

The current version of the statute also already includes the language that an offender whose probation is revoked will not be given credit for time served on probation. However, there is one notable difference. The current statute states that the offender will not be given credit “notwithstanding any provision of law to the contrary.” The bill proposes to delete this language, which could be a problem as discussed below in SIGNIFICANT ISSUES.

Section 5 – This section is slightly different in that the current statute already requires participation in domestic violence offender treatment or intervention program approved by the CYFD.

The current version of the statute also already includes the language that an offender whose probation is revoked will not be given credit for time served on probation. However, there is one notable difference. The current statute states that the offender will not be given credit “notwithstanding any provision of law to the contrary.” The bill proposes to delete this language, which could be a problem as discussed below in SIGNIFICANT ISSUES.

Section 6 – the bill proposes to add a requirement that offenders participate in domestic violence offender treatment or intervention program approved by the CYFD. (This requirement already exists in Sections 4 and 5 of the current statute.)

The bill also defines the applicable period of probation and proposes that where a person convicted under this section has their sentence suspended or deferred, but then violates probation and is revoked, that person would not be given credit for time served on probation.

Section 7 – the bill proposes to add a requirement that offenders participate in domestic violence offender treatment or intervention program approved by the CYFD. (This requirement already exists in Sections 4 and 5 of the current statute.)

The bill also defines the applicable period of probation and proposes that where a person convicted under this section has their sentence suspended or deferred, but then violates probation and is revoked, that person would not be given credit for time served on probation.

Section 8 – the bill proposes to add language regarding the penalty for violating an order of protection – allowing for a combined incarceration period and probation term of between one and two years. The bill also proposes adding the language that the offender will not receive credit for any time served on probation if that probation is revoked.

Section 9 – is a temporary provision stating that the CYFD must “promulgate the rules required by this act” by July 1, 2026.

Section 10 – specifies that the act will apply to crimes committed on or after July 1, 2026.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

There is a potential issue raised by this bill in that, under the proposed changes, where probation is revoked, the bill states that “credit shall not be given for time served by the offender on probation[.]” This may be an issue because 31-21-15(B) NMSA 1978 states that where probation is revoked, “credit *shall* be given for time served on probation” (emphasis added). In other words, the probation statute mandates that credit be given for any time served on probation (except for any time during which the defendant was a fugitive).

There are also a number of cases upholding the mandate that credit be given for “all time served on probation” (except for any time during which the defendant was a fugitive). *See e.g. State v. Sublett*, 1968-NMCA-001, 78 N.M. 655; *State v. Kenneman*, 1982-NMCA-145, 98 N.M. 794;

State v. Encinias, 1986-NMCA-049, 104 N.M. 740; *State v. Leslie*, 2004-NMCA-106, 136 N.M. 244; *State v. Hinojos*, 2014-NMCA-067.

While the language proposing that “credit shall not be given for time served by the offender on probation” does appear in the current statute under Sections 4 and 5, those sections also currently include the phrase “[n]otwithstanding any provision of law to the contrary”. The proposed bill would delete that language. This sets up a potential conflict with the mandate found in Section 31-21-15(B) requiring that credit be given for any time on probation where that probation is revoked.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 130 proposes to appropriate \$5,000,000 to the CYFD to fund “community-based domestic violence programs.”

SB 80 relates to SB 94 as both update protections against domestic violence and abuse. SB 80 revises the Family Violence Protection Act, expanding the definition of “abuse” to include stalking, harassment, threats to harm animals, and other coercive behaviors. It also clarifies that protective orders can cover pets and updates enforcement provisions, making it easier for victims to obtain comprehensive protection.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

SB 94 mandates completion of a CYFD-approved domestic violence treatment program for all covered convictions, but does not address program availability, funding, or geographic access. Rural areas or smaller jurisdictions may lack approved providers, creating compliance challenges and possible delays in sentencing.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None