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: *Jan. 29, 2026*   *Check all that apply:*
Bill Number: *SB 146*   Original ___ *x* Correction ___
                                        Amendment ___ Substitute ___

Sponsor: Munoz

Agency Name and Code Number: AOC - 218

Short Title: Civil Rights Act Claim Changes

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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

BILL SUMMARY

Synopsis: The bill appears to move to make the New Mexico Civil Rights Act more analogous to the with the New Mexico Tort Claims Act. The calculation of damages has changed from a $2,000,000 cap with cost of living adjustments to the per occurrence limits of the Tort Claims Act. *See* NMSA 1978, § 41-4-19. The statute of limitations is lowered from 3 years to 2 years, like the TCA, s*ee* NMSA 1978, § 41-4-15, and the notice provision would now require written 90-day notice to the public body for all potential claims, just like the TCA.*See* NMSA 1978, § 41-4-16. The bill prohibits double recovery under the TCA and the NMCRA.

In addition, the bill changes the standard for bringing a claim against a public body from "omission" to "acted with deliberate indifference." Finally, it reinstates qualified immunity in circumstances where the public body had an "objectively good faith belief" that they were not violating the law.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, appeals from convictions, and an increase in court and parole hearings. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

- Risk analysis easier and no double recovery. From an agency perspective, the bill would make risk analysis easier by making the two acts more analogous, means there is one set of numbers to review rather than two. It also limits recoveries so that there is not a double recovery.
- Potential lesser claims. There is a potential that the lower recovery caps would lead to fewer claims, or that the amounts could eventually fall out of line with cost of living without the automatic adjustments in statute.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type
- This bill may have an impact on the Judiciary's performance measures without the additional resources to comply with the bill.

ADMINISTRATIVE IMPLICATIONS

The courts are unable to estimate the impact on case loads that this change may have.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

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

AMENDMENTS