

LFC Requester:

Scott Sanchez

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: 30 January 2026 *Check all that apply:*
Bill Number: SB 165 Original Correction
 Amendment Substitute

Sponsor: Brandt **Agency Name and Code Number:** New Mexico Sentencing Commission (354)
Short Title: Cockfighting Penalties **Person Writing:** Douglas Carver
Title: _____ **Phone:** 505-239-8362 **Email:** dhmcarver@unm.edu

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	\$451	Nonrecurring	

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:

SB 165 makes a number of changes to the Delinquency Act and other sections of law concerning juvenile offenders, as follows:

- 1) SB 165 amends Section 32A-2-3, the definitions section of the Act, in the following manner
 - A definition of “child” is added, defined as “a person eighteen years of age or older who committed a delinquent act as a minor and is subject to the provisions of the Delinquency Act”.
 - The definition of “delinquent act” is changed by removing from the list of crimes unlawful taking of a vehicle or motor vehicle; and receiving or transferring of a stolen vehicle or motor vehicle.
 - The definition of “delinquent offender” is changed to that a delinquent offender is an “adjudicated” delinquent child (present language only has “delinquent child”).
 - The definition of “detention facility” has added language stating that the child may be detained there pending a court hearing “before adjudication or where a child may be committed after adjudication only for a period not to exceed fifteen days within a three-hundred-sixty-five-day period.
 - A definition for “juvenile corrections facility” is added, meaning a place established pursuant to the Children's Code where an adjudicated child may be committed for care and rehabilitation as part of the child's disposition.
 - The definition of “serious youthful offender” is expanded to include murder in the second degree, and shooting at a dwelling or occupied building that results in great bodily harm to another person or shooting at or from a motor vehicle that results in great bodily harm to another person as provided in Section 30-3-8 (the present statute only has first degree murder – these added crimes were moved from the “youthful offender” definition).
 - The definition of “youthful offender” for 14 to 18 year olds had second degree murder, shooting at a dwelling or occupied building that results in great bodily harm to another person, and shooting at or from a motor vehicle that results in great bodily harm to another person as provided in Section 30-3-8 moved to the serious youthful offender statute. (The lesser crimes under Section 30-3-8 remain in this part of the youthful offender definition.) Additionally, voluntary manslaughter, and attempts to commit any of the offenses in this subparagraph are added.
 - The definition of “youthful offender” for 14 year olds has had murder in the second degree, and shooting at a dwelling or occupied building that results in great bodily harm to another person or shooting at or from a motor vehicle that results in great bodily harm to another person as provided in Section 30-3-8 (the present statute only has first degree murder for a 14 year old youthful offender).
 - There are also a variety of language changes in this section that appear to have been made for clarity and do not effect meaning.
- 2) The bill amends Section 32A-2-5, regarding juvenile probation and parole. It removes all references to parole. It adds an office in the Juvenile Justice Division of CYFD called “Juvenile Probation Services”, which assumes most of the duties, with some changes, of the juvenile

probation and parole services that exist in this section of law. This section also is amended to create the position of Director of the Juvenile Justice Division, who shall hire and oversee juvenile probation officers. Removed from this section are the provisions surrounding the use of a detention risk assessment instrument before taking a child into physical custody.

3) The bill amends Section 32A-2-7, regarding preliminary inquiries alleging delinquency. Most of the amendments to this section are to clean up language, but a new subsection is added that states that upon reviewing a case after the preliminary inquiry, if the children's court attorney decides not to file a delinquency petition, the children's court attorney may refer the child back to juvenile probation services and recommend an appropriate disposition.

4) The bill amends Section 32A-2-9, regarding taking a child into custody, by modifying the language to allow for a child to be detained as well as being taken into custody as in the present statute.

5) The bill amends Section 32A-2-11, regarding the criteria for detention of children, by requiring that the detention risk assessment be validated and its effectiveness analyzed and updated every three years. CYFD is to report on the validation and updates annually.

6) The bill amends Section 32A-2-12, regarding placement or detention of a child, by adding a tribal child welfare or social services agency as a placement or detention option for an alleged delinquent. It removes the requirement that a shelter-care facility shall be considered a temporary placement subject to judicial review within 30 days of placement of an alleged delinquent child. It also removes the restriction on placing the child somewhere other than a facility for the long-term care and rehabilitation for an alleged delinquent child, an alleged youthful offender, and an alleged serious youthful offender. The changes to this section add that before adjudication, a child alleged to be a delinquent child or a youthful offender shall not be detained at a juvenile corrections facility. The changes to this section also restrict when an adjudicated youthful offender who is violent towards staff or residents of a detention facility may be sent to a county jail – such a child can only go to county jail if they are ages 18 to 25.

7) The bill amends Section 32A-2-13, regarding detention hearings for detained children, by clarifying that if the children's court attorney or CYFD propose detention of a child pending adjudication, then a petition shall be filed within 24 hours from the time the child is taken in to custody, with or without a warrant.

8) The bill amends Section 32A-2-19, regarding the disposition of an adjudicated delinquent, to expand the section to include youthful offenders. Options the court may consider for the disposition of the child that have changed include: transferring legal custody to CYFD -- the distinctions between short- and long-term commitments are removed from this section (the possible terms of commitment are outlined in a new section of law, Section 32A-2-19.1); for a child adjudicated delinquent for alcohol or drug violations, the court may also consider suspension or revocation of the child's driving privileges (other language in this section pertaining to driving privileges has been removed). The restriction on committing a child to a penal institution used for execution of sentencing of persons convicted of crimes has been removed.

9) The bill adds a new section to the Delinquency Act, referenced above, Section 32A-2-19.1, regarding standard terms of commitment for an adjudicated delinquent offender or a youthful offender. This new section has the restriction on placing children into adult penal institutions, unless the child is a youthful offender subject to an adult sentence. The section requires the child

undergo an assessment at a CYFD-designated assessment facility prior to placement at a juvenile corrections facility. The short- and long-term time restrictions on terms of commitment have been moved to this new section, but the periods have been extended. Short-term commitment shall not exceed 18 months, up from one year; no more than 12 months of the commitment may be served at a juvenile corrections facility, up from 9 months; and no more than 180 days of the commitment shall be served on supervised release, up from no less than 90 days. Long-term commitment shall not exceed 30 months, up from two years; no more than 24 months of the commitment may be served at a juvenile corrections facility, up from 21; and no more than 180 days of the commitment shall be served on supervised release, up from no less than 90 days. The petition to extend the commitment process has been removed from both short- and long-term periods of commitment. Additionally, the new section adds that the standard term of commitment for a child who is adjudicated as a delinquent offender for an offense that would have otherwise made the child a youthful offender begins on the date of the dispositional judgment and ends on the date the child reaches the age of 21 and is subject to modification in accordance with Section 32A-2-23; while the standard term of commitment for a child who is adjudicated as a youthful offender with juvenile sanctions begins on the date of the dispositional judgment and ends on the date the child reaches the age of 25 and is subject to modification in accordance with Section 32A-2-23.

10) The bill amends Section 32A-1-20, regarding the disposition of a youthful offender. These changes are cleanup language.

11) The bill amends Section 32A-2-23, regarding limitations of dispositional judgments and termination or extension of court orders. Aside from clean up language, the changes allow the court to extend the judgement of a long-term commitment for additional periods of one year until the child reaches the age of 25, up from 21 in current law. Similarly, prior to the expiration of a judgement or probation, the court may extend the judgement for an additional period of one year until the child reaches 25, again up from 21 in current law.

12) The bill amends Section 32A-2-24, regarding probation revocation, by adding language that states that if a juvenile probation officer has reasonable cause to believe that a child on probation or subject to a consent decree or court-ordered supervision has violated a condition of the child's probation, consent decree or order or is at risk of absconding from probation, the officer may take the child into custody.

13) The bill amends Section 32A-2-25, regarding parole revocation, by rewording much of the existing language, but also by adding a subsection on absconding. Under this new language, the issuance of a warrant upon an allegation that the child has absconded from supervised release shall toll the supervised release period.

14) The bill amends Section 33-9A-2, the definitions section of the Juvenile Community Corrections Act, by removing the definition of "delinquent child" and inserting a definition for "justice-involved youth", who are children or adults who were adjudicated pursuant to the Delinquency Act; children subject to a delinquency complaint or delinquency petition for a delinquent act that would be a felony if committed by an adult who have not yet been or will not be adjudicated pursuant to the Delinquency Act; or persons who are at least 18 years old but less than 26 years old.

15) The bill amends Section 33-9A-3, regarding the juvenile community corrections grant fund, so that the funds may be used for programs and services for justice-involved youth. CYFD can take no more than 12% of the money in the fund, up from 10%, to administer the program. Grantees

can also use 12%, up from 10%, of their grant to administer the grant. The requirement that eligible programs or services shall be evidence- or research-based has been added.

16) The bill amends Section 33-9A-4, regarding the applications for grants for juvenile community corrections grants, giving priority to children or adults who were adjudicated pursuant to the Delinquency Act. The details surrounding CYFD's standards have been removed. The condition is added that an applicant's program or services for justice-involved youth must be research-based and incorporate the best practices in risk reduction. A further condition is added that CYFD may require that the programs assist in making income deductions for victim restitution, family support, room and board, savings and weekly allowances or in facilitating community service restitution.

17) The bill amends Section 33-9A-5, regarding selection panels, by rewording much of the language and making the language conform with the changes to the Delinquency Act.

18) Similarly, the bill amends Section 33-9A-6, the sentencing section of the Juvenile Community Corrections Act, to comport with the new language in the Delinquency Act, but also that if a court determines that placement of an adjudicated child in community corrections is appropriate, the court shall order participation in a community corrections program as part of the disposition, removing the language about deferring or suspending the sentence.

19) Finally, the bill repeals Section 32A-2-2 NMSA 1978, the purposes section of the Delinquency Act.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The changes to in SB 165 to the Juvenile Community Corrections Act have a similar thrust to those made in the NMSC's bill (SB 147) that amends the Act, the idea that the funds in the juvenile community corrections fund should be used for a wider scope of justice-involved youth. The NMSC amendments broaden the scope to provide services for adjudicated delinquents or children or youth referred for services by the department. Additionally, the NMSC bill removes the language in the Act about selection panels as those panels are not used.

The crimes of unlawful taking of a vehicle or motor vehicle; and receiving or transferring of a stolen vehicle or motor vehicle were removed from the list of crimes under the definition of a delinquent act, but were not relocated to either the definition of serious youthful offender or youthful offender.

These changes to the scope of who might be considered a serious youthful offender or a youthful offender could have wide-ranging impacts in the juvenile detention system. For perspective, in FY24 there were 313 cases adjudicated that were committed by those under the age of 18 on the offense date, containing offenses included in the definition of a youthful offender. After removing duplicates, this represents 294 unique offenders. For serious youthful offenders, in FY24 there

were 19 juveniles with cases adjudicated with a lead offense of first-degree murder (who were between the ages of 14 and 18 on the offense date). Four of these had a conviction for the offense, and the remaining 15 were dismissed. Under the provisions of SB 165, some of these youthful offender cases would shift to the serious youthful offender status.

In November 2025, the NMSC published a Select Crimes Issue Paper on Violent Juvenile Offenses (FY 2024). That paper can be accessed here: <https://nmisc.unm.edu/reports/2025/select-crimes-issue-paper-violent-juvenile-offenses-fy2024.pdf>

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 165 conflicts with SB 147, which make different changes to the Juvenile Community Corrections Act.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS