

LFC Requester: _____

**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment** _____
Correction _____ **Substitute** _____

Date 1/29/26

Bill No: SB 165

Sponsor: Senators Linda Trujillo, Crystal Brantley

Division Code CYFD - JJS

Short Title: Delinquency Act 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 Expenditure 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)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The Bill Amends the Delinquency Act at 32A-2-3 Definitions,

The Bill proposes a new definition of “child” to mean “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”. It removes “unlawful taking of a vehicle or motor vehicle” and “receiving or transferring a stolen vehicle or motor vehicle” and adds “any other traffic” offense punishable as a felony under offenses provided for by a municipal traffic code or the Motor Vehicle Code. The Bill also proposes the addition of the definition of “juvenile corrections facility” and clarifies “detention facility” as a place “where a child may be detained” pending a court hearing, “before adjudication or where the child may be committed after adjudication only for a period of 15 days”

Under the definition of a “serious youthful offender” the bill adds the offense of “second degree murder” and “shooting at a dwelling or occupied building and shooting at or from a motor vehicle that that results in great bodily harm (GBH) to a person.

Under the definition of “youthful offender”, the bill removes the offenses of “second degree murder, and adds “felony” to aggravated battery and aggravated battery on a household member; and adds “with a deadly weapon or in a manner whereby GBH or death can be inflicted” to aggravated battery on a peace officer; “does not result in GBH to another person” to shooting at a dwelling or occupied building or shooting at or from a motor vehicle; adds the offenses of “voluntary manslaughter” and “attempt to commit any of the offenses enumerated in the paragraph” and adjudication for first degree or second degree murder or shooting at a dwelling or occupied building and shooting at or from a motor vehicle that results in GBH. or from of serious youthful offenses pursuant the Delinquency Act.

It creates “juvenile probation services” as an office within the juvenile justice division of CYFD with the director of the juvenile justice division to hire and oversee JPO’s. For Indian children, it requires contact with the child’s Indian Tribe and collaboration to determine referrals or recommendations for disposition. It emphasizes that a child, parents, guardians or custodian are not compelled to attend, produce papers or visit a place during a preliminary inquiry. It allows for the children’s court attorney (CCA) to refer the child back to Juvenile Probation Services and recommend appropriate disposition if the CCA does not file a delinquency petition.

It requires CYFD to “validate an instrument to conduct” detention risk assessments and collect and analyze data on the “effectiveness of the instrument every 3 years and update the instrument based on data. It requires CYFD to provide the legislature with a written report each year that

addresses the application and effectiveness of the instrument used to conduct a detention risk assessment and if applicable, an explanation of the validation of the instrument and updates to the instrument.

The bill clarifies that placement in detention is “prior to adjudication, unless for a 15-day dispositional judgment”. It emphasizes that a child not adjudicated shall not be detained at a juvenile corrections facility. It adds language that a child “who is 18 to 25 years of age” who is adjudicated as youthful offender who is violent to staff and residents in a detention facility as being allowed to be transferred to a county jail, pending a court hearing. It amends §32A-2-19 Dispositions of Adjudicated Delinquent Offender at Section 8 and clarifies that the dispositions provided in the Section “constitute juvenile sanctions for children adjudicated pursuant to the Delinquency Act” and applicable to youthful offenders subject to juvenile sanctions. The bill deletes short term commitment, long term commitment, commitment to age 21 and requirements for supervised release from the section. It allows for transfer to CYFD for “treatment” for violation of 32A-2-3 paragraphs 2-4 of Subsection B.

It adds a new Commitment Section for adjudicated Delinquent and Youthful at §32A-2-19.1. Short term commitment is changed to eighteen months, with no more than 12 months of a commitment served at the juvenile corrections facility and no more than 180 days served on supervised release, unless supervised release is revoked. If extended the term of supervised release shall be included in the extension (extended for 1 six-month period)

Long Term Commitment is changed to 30 months with no more than 24 months served at the juvenile corrections facility and no more than 180 days served on supervised release, unless supervised release is revoked. May extend a long-term commitment for additional periods of one year until the child reaches 25. If extended the term of supervised release shall be included in the extension.

Standard term of commitment for a child adjudicated as a delinquent offender for offense that would have otherwise made the child a youthful offender starts on the day of dispositional judgment and ends on the date the child turns 21. The standard term of commitment for an adjudicated youthful offender with juvenile sanctions begins on the date of dispositional judgment and ends on the date the child turns 25. It includes a 14- to 18-year-olds charged with first degree murder but adjudicated as youthful offender for a different offense or adjudicated as a youthful offender.

Judgment ordering probation is for a period not to exceed the standard order of commitment (up to 21) and (up to 25 youthful). Probation shall be terminated before expiration of the judgment (probation or agency supervising) if the child has substantially complied with conditions of supervision. The court may extend judgment for additional period of one year until child reaches age 25 adds if necessary to safeguard welfare of child “or public safety”.

It includes language that the “court shall issue a warrant for the child’s arrest upon receiving notice from CYFD” that the child absconded from “probation, supervision or” supervised release. If a JPO has reasonable cause to believe that a child on probation, consent decree, or court ordered supervision is at risk of absconding, officer may take the child into custody (placed in detention only) pursuant to 32A-2-11 and 12.

Section 13 -Adds language “if the adjudicated delinquent child violates a condition of supervised release, CYFD may propose revocation of supervised release” and “shall conduct a revocation

hearing (presided over by CYFD or neutral hearing officer)". It adds language that a child may waive the right to a revocation hearing, after consulting with the child's attorney, parent, guardian or custodian. JPO may detain child on supervised release if the JPO has probable cause that the child violated supervised release. A child detained pursuant to this subsection shall remain in detention until completion of the revocation hearing. If child's supervised release is revoked CYFD shall issue a notice of revocation to a juvenile corrections facility. Upon receiving notice, the facility shall immediately take custody of the child for the remainder of the commitment. The bill adds "supervised release" and omits "parole supervision". It allows a court to issue a warrant and the department to issue a notice of revocation when a child absconds from supervised release. The tolling of supervised release time occurs when the warrant is issued. The time from date of the violation to date of arrest (quashing of warrant) shall not be counted as time served on supervised release if the court finds the child absconded from supervised release.

Amends §33-9A-2 and adds justice involved youth meaning, "children or adults who were adjudicated pursuant to the Delinquency Act; children subject to delinquency petition for delinquent act that would be a felony, if committed by an adult, who have not yet been or will not be adjudicated; persons 18 to 26 years old - to definitions in the Juvenile Community Corrections (JCC) Act.

It amends §33-9A-3 regarding creation of grant fund to include distributions, appropriations, gifts, grants, donations & income from investment of the fund and gives CYFD authority to administer the fund. Adds "Expenditures" made by warrant of Sec. of Finance & Admin with vouchers signed by CYFD Secretary or "designee". It removes the requirement for adjudicated youth and does not allow for JCC grants to be made to "for profit or commercial" organizations without approval of the secretary. The secretary shall promulgate rules for awarding grants "for eligible programs or services, justice involved youth (JIY), and eligible programs shall be evidence or research based. The annual report to the governor and legislature shall include effectiveness of grantee programs and CYFD's monitoring efforts and recommendations.

Amends §33-9A-4 with language requiring that applicants certify that: "requested grant" funding "will be used" for a program that "prioritizes services to children or adults who were adjudicated pursuant to the Delinquency Act"; the "applicant's program or services for JIY is research based and incorporates best practices in risk reduction for JIY". Amendments would allow CYFD to expend money to place eligible persons or within 12 months of being eligible for supervised release in a community-based setting. CYFD may also require that programs serving adjudicated children or adults assist with income deductions for restitution, family support, room and board, savings, weekly allowance or facilitating community service restitution. The statewide panel duties were changed to include "determine eligibility for programs, screen for eligibility and includes new language "child or adult adjudicated pursuant to the delinquency act and transferred to the legal custody of the department for commitment to the juvenile corrections facility".

At 33-9A-6, the Bill states 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. It does away with the court having to defer or suspend the sentence and, as a condition of probation, require an individual to serve a period of time in a community corrections program.

FISCAL IMPLICATIONS

This measure will require increased funding for CYFD to house youthful offenders committed to the custody of CYFD up to the age of 25. CYFD will need to provide housing, medical, educational or vocational programming, mental health, and supervision services in the facility as well as supervision if released on supervised release. CYFD does have Camino located in Albuquerque to house this population, and CYFD would need additional operating costs similar to the existing John Paul Taylor Center in Las Cruces. It is estimated that approximately 12 million dollars is necessary for infrastructure and staffing of Camino. In addition, appropriate programming for both the female and male youthful population would need to be developed and implemented.

SIGNIFICANT ISSUES

The bill changes short term commitment of one year to not to exceed 18 months. It eliminates 9 months shall be served at the facility and no less than 90 days shall be served on supervised release. It adds that no more than 12 months shall be served at the juvenile corrections facility and no more than 180 days served on supervised release.

The New Mexico Sentencing Commission in conjunction with JJS leadership prepared this exact same measure and fully support the time frames that are contained in this bill for commitments and supervised release time.

It changes long term commitment from two years to not to exceed 30 months. It eliminates “no more than 21 months shall be served at the facility, and no less than 90 days shall be served on supervised release. It adds the no more than 24 months shall be served at the juvenile corrections facility and no more than 180 days served on supervised release.

The commitment term for a child who is adjudicated for a delinquent offense that would have otherwise made the child a youthful offense remains at “to age 21”. The commitment for a child adjudicated as a youthful offender with juvenile sanctions is changed from up to age 21 to age 25.

Although, this will require funding as outlined in fiscal with the proper funding CYFD Juvenile Justice Services can meet the needs of this target population.

The additional language pertaining to supervised release is necessary for CYFD to provide adequate services and obtain warrants for those who abscond from supervised release. The overall changes to the Delinquency Act, as a result of the Bill, will require the development, implementation and oversight of adequate programming to include educational and vocational components, staff training, contract opportunity for local providers, that may mirror or be similar to programming provided by the Department of Corrections. There would likely be an increase in the number of youthful commitments to age 25.

PERFORMANCE IMPLICATIONS

The development, implementation, administration and evaluation of adequate and effective programming for an older population. Allows for adjudicated and non-adjudicated justice involved youth to be eligible for programming and services pursuant to the Juvenile Community Corrections Act. CYFD Juvenile Justice Division will be able to incorporate and support all the measures in this bill.

ADMINISTRATIVE IMPLICATIONS

Gives youthful offenders subject to juvenile sanctions the opportunity to work with providers, facilities that are part of a juvenile system based on rehabilitation.

Although this measure contains significant changes to the Children's Code, Juvenile Justice Leadership along with CYFD Secretary's office is in strong support of implementing those sections to amend the Children's code at this time.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB147; HB 125; HB 105

TECHNICAL ISSUES

Potential issues regarding sealing records and management of those records until age 25.

OTHER SUBSTANTIVE ISSUES

It is important to note that changes to the Juvenile Community Corrections Act so that CYFD Program Unit will be able to serve more clients in communities throughout the state and at the same time be able to keep all our providers with referrals with this change. It allows other clients, in addition to adjudicated clients, to receive services from our treatment providers who have applied for funds with Juvenile Community Correction monies.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS