

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

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 x Amendment
Correction Substitute

Date Prepared: 01/23/2024

Bill No: HB156

Sponsor: Representative William "Bill" R. Rehm

Short Title: JUVENILE DETENTION FACILITY SEGREGATION

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

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	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: HB156 proposes to add a new section, 32A-2-4.2, and amend an existing section, 32A-2-12, of the Delinquency Act (more broadly, part of the Children’s Code), that would segregate allegedly delinquent detained juveniles under the age of fifteen years old, “by sight and sound,” from detained juveniles fifteen years of age and older.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

Any time a specific part of the population is segregated from another, regardless of the reason, there may be concerns regarding treatment disparity. While facilities may be able to comply with the strict letter of the new language (physically segregated by sight and sound), it may be more difficult for them to create an environment for those younger than 15 that is comparable to the environment for the rest of the juveniles. *See State v. Serros, 2016-NMSC-008, ¶ 88-93* (determining that Defendant was extremely prejudiced by speedy trial delay in part because he spent most of his incarceration in segregation which caused psychological damage and denied him access to educational programs, library time, etc.).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

There may be logistical concerns because the enactment of this bill would potentially require

additional confinement space, to segregate children under 15 years old from those 15 and older. However, it may be feasible to enact the intended segregation by practical reorganization, depending on the facility and inmate population.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.