

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 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 X

Date Prepared: 2025-03-07
Bill No: HB255

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Agency Name CYFD 69000
and Code
Number:

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Short RENAME "JUVENILE
Title: CORRECTIONS ACT"

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0		

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This HJC Committee Substitute (CS) adds several unrelated provisions to the original HB255.

The original bill included provisions that expanded the service population to children and youth, up to age 25, referred by the department in addition to adjudicated delinquent children for community based Juvenile Community Corrections programs and providers. The original bill changed the name from the Juvenile Community Corrections Act to Juvenile Community Connections Act to reflect current practices and protocols. All of the language from HB 255 was retained in the CS.

This CS amends Section 32A-2-3 Definitions and adds Voluntary Manslaughter to the list of crimes that a delinquent child could be adjudicated for making the delinquent child a youthful offender who is subject to adult or juvenile sanctions.

The CS amends Section 32-A-19, Disposition of an Adjudicated Delinquent by changing the short-term and long-term timeframes that an adjudicated delinquent child can be committed to a facility for care and rehabilitation. The CS deletes "one year" from a short-term commitment and adds "fifteen months". The CS also deletes "two years" from a long-term commitment and adds "twenty-seven months". Based on the changes, a short-term commitment is fifteen months in a facility for the care and rehabilitation of adjudicated delinquent children and a long-term commitment is no more than twenty-seven months in a facility for the care and rehabilitation of adjudicated delinquent children. In this section, the CS also changes the time for supervised release from ninety days to six months for both short-term and long-term commitments. The new language is no less than six months shall be served on supervised release.

Another CS change is Section 32A-2-25, Parole Revocation with the addition of

Absconding from Supervised Release Procedures. The added language allows for the tolling of the supervised release period upon an allegation that the child has absconded from supervised release. It allows for the time from the date of the knowing and willful absconding from supervised release violation to the date of the child's arrest or quashing of the warrant to not count as time served on supervised release and the time shall be tolled and added to the supervised release term.

This CS adds "youthful offender" definition to Section 33-9A-2 to include language that the youthful offender is subject to a juvenile sanction and does not include a delinquent child subject to adult sanctions. CS adds youthful offenders who are subject to juvenile sanctions to delinquent children or children or youth referred by the department who are the focus of community programs for prevention, intervention or diversion services in this section and section 33-9A-4.

The CS also adds language that identifies funding priority based on subject matter to Section 33-9A-4 by listing: first priority as applications for funding programs focused on decreasing violence, gun violence, alcohol and substance abuse, gang activity, criminal mentality, trauma, anger management and improving mental health stating; second priority as application for funding programs focused on education, literacy, financial literacy, job training, apprenticeships, food justice and housing; third priority as applications for funding programs focused on arts, performing arts, sports, music, debate and leadership. The CS replaces "may" with "shall" to the language that the department shall utilize the fund to place individuals eligible, or within 12 months of eligibility for supervised release in community-based settings. The CS replaces may with shall and so the language of "the department may, in its discretion, require participation in a program as a condition of supervised release" now states, "the department shall evaluate the totality of the circumstances unique to the eligible individual to determine what available services are most likely to support the individual on supervised release and may, in its discretion, require participation in a program as a condition of supervised release".

CS adds the public defender department or designee and the district attorney or designee to the list of individuals that compose the local panel in Section 33-9A-5. CS adds language which sets forth the criteria a judge shall consider in determining whether available services and program participation will support the child during probation at Section 33-9A-6, Sentencing, Services and Programs.

This CS also adds a Section 12 Temporary Provision-Pilot-Monetary Stipend Project-Eligibility-Program Terms-Reporting and Evaluation. This section creates a "monetary stipend project" as a three-year pilot project that provides monthly assistance payments to eligible adults and measures the effect of monetary

stipends on socioeconomic outcomes. This section identifies an eligible participant in the monetary stipend project as a NM resident, US citizen or lawful permanent resident and an adult who is less than 26 years of age who is a former foster child, was adjudicated and incarcerated pursuant to the Delinquency Act or who participated in and aged out of the fostering connections program as provided in the Fostering Connections Act and is enrolled in a post-secondary educational program; participating in an apprenticeship program or workforce development; participating in a program or activity designed to promote employment or remove barriers to employment. The higher education department is responsible for determining the monetary stipend amount, promulgating rules, notifying the health care authority of Social Security Act waiver requirements, reporting to the interim legislative health and human services committee, and providing a final report.

FISCAL IMPLICATIONS

The changes to the supervised release and commitment time frames and the use of existing juvenile justice services staff for community and facility supervision in the areas of reintegration, transitional living, utilization of other community-based program services and treatment providers can easily be absorbed by existing staff and resources.

It is unknown how Section 12 the Pilot Monetary Stipend Project will impact CYFD at this time.

SIGNIFICANT ISSUES

The language in section 32A-2-25 allowing for the tolling of supervised release time for absconders is an extremely important part of the amendment and is necessary. CYFD has been experiencing situations where youth would abscond from supervised release shortly after being released from the juvenile facility. The courts would issue a warrant, and the youth would lay low and hide out to avoid arrest until the 90-day supervised release time expired.

The language change in section 32A-2-19 adds three more months of time to Supervised Release. It will allow the juvenile justice staff in Reintegration, Transitional Living and probation and program services the necessary time to continue to work with the youth and provide necessary services, support and resources upon release and re-entry into the community.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 434 has similar language regarding Section 32A-2-19 with regard to supervised release and short-term and long-term commitment time frames. The additional time of three more months for supervised release for a total of six months supervised release is the same in this bill and HB 434. One important note is that HB 434 removes the nine-month mandatory release which this Committee Substitute should also include.

The tolling of time on supervised release pursuant to the provisions of the Committee Substitute at Section 3 - 32A-2-25, where it states, "the time from the date of the violation to the date of the child's arrest or quashing of the warrant shall not be counted as time served on supervised release and the tolled time shall be added to the supervised release term" appears to conflict with the definition of supervised release at Section 32A-2-3. The supervised release definition at Section 32A-2-3 where it states, "a juvenile on supervised release is subject to monitoring by the department until the term of commitment has expired and may be returned to custody for violating conditions of release". The CS limits the time tolled to be added supervised release and does not include language allowing for returned to custody.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Should this measure not be enacted, less children referred to the Department would receive services. Currently JCC programs can only provide services to adjudicated delinquents. This opens up for CYFD to refer more youth referred to CYFD to receive programming from the providers receiving funding under the Juvenile Community Corrections ACT.

Also, youth coming out of the facility would not be able to receive more time to work on their issues as they would still only have 3 months of programming.

AMENDMENTS

None.