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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 43

SHORT TITLE: Parole Requirement Changes

SPONSOR: Sens. Jaramillo/Brantley and Reps. Chavez, N./Romero

LAST ORIGINAL
UPDATE: _____ **DATE:** 02/01/2026 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Parole Board	Indeterminate but minimal	\$100.0 to \$200.0	\$100.0 to \$200.0	\$200.0 to \$400.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis
Administrative Office of the District Attorneys
Law Offices of the Public Defender
Parole Board
Corrections Department

SUMMARY

Synopsis of Senate Bill 43

Senate Bill 43 (SB43) proposes amendments to several statutes governing the New Mexico Adult Parole Board and its procedures for considering parole for inmates sentenced to life imprisonment. The bill primarily seeks to revise Section 31-21-10 NMSA 1978, Parole Authority and Procedure, to clarify and expand the criteria the board must consider when determining parole eligibility for individuals serving life sentences. The bill states that 30 years of incarceration shall be construed as the retributive portion of a life sentence. On reaching this threshold, parole consideration must focus on the individual’s risk and readiness for release, as demonstrated by compliance with institutional rules, participation in educational or vocational programs, and evidence of maturity, rehabilitation, and fitness to reenter society.

The bill also adds a new Subsection B to Section 31-21-10 NMSA 1978 requiring the parole board to hear from the victim or the victim’s family before granting parole should they choose to participate. In addition, the bill replaces existing language directing the board to consider whether an inmate is a habitual offender with a broader directive to evaluate the individual’s relevant criminal history.

Section 2 of the bill amends the short title provision of the Parole Board Act to identify the

statutory sections more precisely, replacing a reference to “Sections 1 through 5 of this act” with the citation to Sections 31-21-23 through 31-21-27 NMSA 1978.

Section 3 amends Section 31-21-24 NMSA 1978, Parole Board, Members, Appointment, Terms, Qualifications, Compensation, Organization, to update language regarding member compensation. Specifically, the bill allows members to receive per diem and mileage reimbursement for scheduled board meetings or hearings and for any other reimbursable activity under the act, as provided in the Per Diem and Mileage Act, Section 10-8-4 NMSA 1978.

Finally, the bill enacts a new section, Section 31-21-25.2 NMSA 1978, stipulating that in homicide cases, the parole board shall avoid, when practicable, scheduling a hearing on the anniversary of the victim’s birth or death.

These changes do not alter the eligibility threshold for parole but reorganize and codify factors already informally considered by the board, aiming to clarify expectations for incarcerated individuals and standardize the parole decision-making process.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

SB43 does not alter existing parole eligibility timelines or expand the class of individuals eligible for parole. Instead, SB43 clarifies and reorganizes the statutory factors the Parole Board must consider when reviewing parole applications from individuals sentenced to life imprisonment. Because the eligibility threshold remains unchanged, the Corrections Department, the Law Offices of the Public Defender, and the Administrative Office of the District Attorneys do not anticipate a direct or immediate fiscal impact stemming from an increase in hearings or case volume.

However, the bill introduces changes that may carry minor administrative costs. Specifically, the Adult Parole Board would need to revise its administrative rules, update hearing preparation checklists, and provide training to board members on the revised statutory criteria. These procedural updates are expected to occur within existing agency operations but may require short-term adjustments in resources.

Additionally, the bill amends Section 31-21-24 NMSA 1978 to permit board members to receive per diem and mileage reimbursement for scheduled board meetings, hearings, or other qualifying activities, but also for “any other reimbursable activity” under the Per Diem and Mileage Act. Although the bill does not explicitly define preparatory work as a reimbursable activity, this language may be interpreted to include compensation for time spent reviewing case files and preparing for parole hearings.

Based on prior LFC estimates for similar legislation, expanding compensation to cover hearing preparation could result in recurring annual costs ranging from \$100 thousand to \$200 thousand, depending on how often board members prepare for hearings, the number of hearings held, and the rate of compensation. This would represent a recurring cost to the general fund beginning in FY27. These estimates assume no changes to the board’s membership size or statutory hearing frequency, and actual expenditures may vary depending on how the Parole Board implements the

revised language.

In the long term, should the clarified parole criteria lead to more individuals being adequately prepared for their initial parole hearings, the number of repeat hearings per inmate could decline. This may result in administrative efficiencies, although such effects are speculative and would depend on a range of implementation factors, including individual parole board decisions and inmate preparedness. No new programs are created by the bill, and no recurring or nonrecurring appropriations are authorized.

SIGNIFICANT ISSUES

SB43 proposes statutory revisions that may affect how the Adult Parole Board structures and conducts its review of individuals sentenced to life imprisonment. The bill codifies several factors for the board to consider during parole deliberations, including institutional conduct, program participation, and demonstrated rehabilitation. While many of these elements are already used in practice, their inclusion in statute may create a clearer framework for evaluating parole readiness and could promote consistency across cases. This formalization may also increase transparency for individuals incarcerated under life sentences, their counsel, and victims' families.

The bill also introduces new requirements related to victim input. Under the proposed language, the Parole Board must hear from the victim or the victim's family before granting parole in life-sentence cases, provided the victim or their family wishes to participate. This provision supplements existing notification requirements under the Victims of Crime Act and may lead to more structured and consistent inclusion of victim perspectives in parole decisions. Coordination between the board, district attorneys, and victims' services staff may become more important to ensure timely and meaningful participation.

Separately, SB43 directs the board, when practicable, not to schedule a parole hearing on the anniversary of the victim's birth or death in homicide cases. While the language is permissive and includes a practicality clause, implementation may require additional administrative tracking of relevant dates. It is unclear how frequently this provision would result in a scheduling change or whether it would affect the statutory timelines for rehearing. No changes are proposed to the eligibility timeline or to the board's authority to deny or grant parole under existing standards.

SS/ct/hg/ct