

LFC Requester:

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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/23/2025

Check all that apply:

Bill Number: HB133

Original Correction
Amendment Substitute

Sponsor: Rep. Andrea Reeb

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

Person Writing

Short Title: CYFD Identification for Certain Children

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| | | | |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| | | | | |
| | | | | |

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY25 | FY26 | FY27 | 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:

This bill would require Children, Youth and Families Department (“CYFD”) to provide certain children the opportunity to obtain a standard identification card issued under the authority of the Motor Vehicle Department Statute Sec. 66-5-401 within ninety (90) days of being placed in the department’s custody. If the department is unable to comply due to certain circumstances (incarceration, disability, etc.), the department shall comply within ninety (90) days from the date the preventive circumstance no longer exists.

The bill defines child in the Children’s Code as a person fourteen (14) years of age or older, but under the age of nineteen; or a person that is fourteen (14) years of age but under the age of twenty-one (21) who is participating in the fostering connections program pursuant to Sec. 32A-26-3; and includes a person that is placed in the custody of the protective services division of the department for more than thirty (30) consecutive days.

Additionally, the Motor Vehicles Code, Section 66-5-401- Identification Cards – Application, is amended to include a new section with permissive language for CYFD to apply for and receive a standard identification card on behalf of a child fourteen years of age or older who has been placed in custody of the protective services division of that department for thirty or more consecutive days.

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.

The fiscal impact is difficult to determine as the number of children in custody within the specific age range is unknown, and likely fluctuates.

SIGNIFICANT ISSUES

The new language added to the Children’s Code obligates CYFD to provide children with the opportunity to obtain a standard ID card without guidance of how that process would necessarily

work or without the authority to promulgate rules that would define that process.

A child may not be aware of that opportunity and this language does not provide required notice such an opportunity.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

Both the Department of Motor Vehicles and Children, Youth and Families Department may see an increase in processing applications.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The amendment of the Motor Vehicles Code regarding the term child may be in conflict or simply cause confusion with the definition of child in the Children's Code where child is defined as a person over fourteen, but younger than nineteen; older fourteen, or younger than twenty-one and participating in the fostering connections program, and a person placed in the custody of protective services. The Motor Vehicles Code amendment limits the meaning to a child older than fourteen and placed in protective services custody.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS