

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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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}*

**Date Prepared:** 31 JAN 2025 *Check all that apply:*  
**Bill Number:** HB134 Original  Correction   
 Amendment  Substitute

**Sponsor:** Andrea Reeb and Nicole Chavez and Art De La Cruz **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Expanding the definitions for youth offenders. **Person Writing:** Randy Larcher  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

The Delinquency Act is extensively amended to impose harsher provisions on minors who have committed certain criminal acts and to grant greater discretion to the court in extending probation or commitment. It also repeals the prohibition against public disclosure of information relating to arrest, detention, and delinquency proceedings for a child.

House Bill 134 revises the Delinquency Act by expanding definitions related to serious youthful offenders and youthful offenders. It allows detained individuals to be transferred to adult facilities upon turning eighteen and removes the requirement for a detention risk assessment before placing a child in detention. The bill grants courts greater discretion in juvenile cases, including the ability to extend judgments until the offender reaches twenty-five years of age. This legislation may result in more juvenile cases being tried as adult cases, raise concerns about the incarceration of young offenders, and enhance judicial flexibility in sentencing and rehabilitation options.

### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

### **SIGNIFICANT ISSUES**

None. The bill extensively amends the Delinquency Act to impose harsher provisions on minors who have committed certain criminal acts and to grant greater discretion to the court in extending probation or commitment. It also repeals the prohibition against public disclosure of information relating to arrest, detention, and delinquency proceedings for a child. The bill grants discretion to the court to consider a child's unique circumstances and history when imposing probation or commitment. The court may extend probation or commitment until a child turns 25. This discretion replaces the more specific limited types of commitment under the current statute. It prohibits a judge from weighing one amenability factor more heavily than another for sentencing purposes. However, this is somewhat balanced by emphasizing the consideration of community-based alternatives to detention, if appropriate, in Sections 1 B and C. The bill lowers the age of a child that can be classified as a "serious youthful offender" from fifteen to fourteen in section 1 H to match the fourteen year old lower age limit already existing for "youthful offenders." Perhaps input is needed from psychologists or sociologists on a fourteen-year-old being treated as an adult for various serious crimes.

In Section 8 N, "A child fourteen years of age or older who is adjudicated as a youthful offender may waive the child's right to an amenability hearing and instead be sentenced as an adult." While children treated as serious youthful offenders are appointed counsel, a suggestion would be to add language to the bill requiring such a child to consult with counsel (and counsel providing a statement or testimony of it being done) before waiving their right to an amenability hearing.

The bill addresses an important consideration by allowing judges to obtain a fuller picture of children's background situation and circumstances for certain hearings. It adds language so that judges can consider juvenile dispositions to address bail and conditions of release in Section 10 A. This issue and privacy considerations in party pleadings are added similarly in Section 17 L. These changes will allow more children to be detained appropriately.

A change in the bill that could raise constitutional challenges is lowering the standard of proof in revocation hearings from evidence beyond a reasonable doubt to the preponderance of the evidence standard in Section 16 B.

### **PERFORMANCE IMPLICATIONS**

New Mexico has seen a recent increase in crimes committed by juveniles. This increase requires an amendment to laws that will give courts more flexibility and acknowledge the challenge that youthful offenders impose on the courts and various services. DPS believes this bill could assist in dealing with those issues.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo will remain.

**AMENDMENTS**

None.