AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to **billanalysis@dfa.nm.gov**
(Analysis must be uploaded as a PDF)

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**	**Date Prepared:**	2025-02-06
Correction		**Substitute**	**Bill No:**	HB313

Sponsor(s):	Linda Serrato	**Agency Name and Code Number:**	CYFD 69000
		Person Writing Analysis:	
Short Title:	DIGITAL AGE VERIFICATION ACT	**Phone:**	
		Email:	

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	**FY25**		
	500.00	Recurring	

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	**FY25**	**FY26**		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		500.00	1,000.00	1,500.0	Recurring	

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

SECTION III: NARRATIVE

BILL SUMMARY

HB313 implements a mandate that all applications, websites, online providers, online developers, or any and all internet capable devices must implement the ability or interface necessary to, in "real time", validate the age of any user. This validation would then be utilized to prevent minors from accessing inappropriate content and permitting only content deemed acceptable for their age group. Hardware manufacturers would be mandated to have this feature enabled in any and all internet capable devices by January 1, 2026. Jurisdiction for enforcement would reside with the New Mexico Department of Justice (NMDOJ). NMDOJ would further have the ability and authority to create any and all enforcement parameters.

FISCAL IMPLICATIONS

Fiscal impact:

* This bill would require CYFD to replace all internet capable cell phones and computers in order to be in compliance. Notably, this would include the devices, applications and other educational technology utilized by the Juvenile Justice Schools.
* Costs would also include the necessary purchase of numerous new applications and products developed to comply with this legislation.
* Additional costs would be incurred with the need to expand the Cybersecurity Staff, Network Staff, and End User Support staff to address needs of facilities and children in CYFD care and/or custody who are provided with internet capable devices.
* Additional costs may be incurred on network filtering and analytics as this bill calls for "real time" application programming and interfaces.
* Additional paralegals, attorneys, and investigators would also be needed for

legal challenges and Inspection of Public Records Act Requests.
* Costs will increase as technology, legal challenges, and amendments related to this legislation occur and rise in number.
* CYFD's resource foster parents would need to be trained on how to navigate this technology, especially in situations involving decisions made under the Reasonable and Prudent Parent Standard.

SIGNIFICANT ISSUES

* 1st Amendment Issues for children that are emancipated
* Real time aspect requires full functioning scanning and categorizing of content
* Question of cost absorption of AI environment for analytics
* Replacement of devices, i.e. cell phones, and buy-out of current contracts for those devices that must be replaced
* Categorization of content:
* How will content categorization be determined and who will do it?
* Will the age categories be under the age of 13, 13 to 15, 16 to 17, 18 and over?
* Will this have special categories for age groups with learning or behavioral issues?
* If a child is in CYFD care or custody, is CYFD now responsible for approving content as a parent for the child?
* How are different interpretations between CYFD employees handled?
* What are the legal implications for CYFD staff and licensed resource foster parents?
* Fails to address potential actions and repercussions for parents, guardians or caregivers if they do not comply. Also fails to address resource foster parents allowing cell phone/laptop/tablet usage under the Reasonable and Prudent Parent Standard.

PERFORMANCE IMPLICATIONS

Performance   Issues:

* Need NMDOJ to create and propagate rules and definitions surrounding acceptable and non-acceptable content by age group
* Need to increase bandwidth at all sites in which children are in CYFD care and custody
* Need policy and procedure revision and training for staff, attorneys, judges, resource foster parents, and Court appointed advocates
* Need to designate or assign employees to monitor and approve applications and

content   on   devices
* Need to develop a process by which applications deemed not acceptable are reviewed

ADMINISTRATIVE IMPLICATIONS

Administrative Issues:

* Inspection of Public Records Requests (IPRA) will increase as individuals and entities will want to know how and what is being filtered
* Further strain on CYFD Information Technology Team's time and resources maintaining, securing and seizing data and devices in response to IPRA requests or litigation

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Technical Issues:

* Bill does not provide reasonably clear guidelines or development parameters for what the application, filter or internet capable device must censor
* Costs associated with building, supporting, and being compliant on information technology teams and monitors
* "Real time" as defined is a vague and inaccurate term as no real-world system is truly real time. Even financial institutions have a lag time for transactions

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD will continue its best efforts and be compliant with the National Institute of Standards and Technology 800-53, which governs all classes of data protected and not protected.

AMENDMENTS

None.