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| LFC Requester: |  |
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## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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  Amendment  
Correction  Substitute

Date Prepared: 2025-02-19  
Bill No: HB432

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Agency Name CYFD 69000  
and Code  
Number:

Short STUDENT ABSENCES &  
Title: CRIME FOR PARENTS

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

| Appropriation |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|------|------------------------------|------------------|
| FY25          | FY26 |                              |                  |
|               |      |                              |                  |
|               |      |                              |                  |

#### REVENUE (dollars in thousands)

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

**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

|              | <b>FY25</b> | <b>FY26</b> | <b>FY27</b> | <b>3 Year Total<br/>Cost</b> | <b>Recurring<br/>or<br/>Nonrecurring</b> | <b>Fund<br/>Affected</b> |
|--------------|-------------|-------------|-------------|------------------------------|--|--------------------------|
| <b>Total</b> |             |             |             |                              |  |                          |

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

HB 432 amends section 22-12A-12 to strengthen enforcement measures against excessive absenteeism. The bill mandates that school boards and governing bodies report excessively absent students to the juvenile probation services for investigations. Additionally, it gives the Court the authority to suspend the driving privileges of excessively absent students for up to 90 days for a first offense and up to one year for a subsequent offense. Finally, it introduces penalties for parents who allow continued absenteeism, making it a petty misdemeanor with fines ranging from \$50 to \$500, potential community service, and up to six months of imprisonment for repeat offenses.

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

The bill amends the Attendance for Success Act by removing the word unexcused. There are valid medical reasons that an absence would be excused, and children and families should not be penalized for valid excused absences. It also brings the children's court into Section 22-12A-12 of the Attendance for Success Act without a defined legal process outlined in the bill. CYFD is the only entity that can file an abuse and neglect case or a delinquent case. It refers non-attendance to Juvenile Probation rather than CYFD Statewide Central Intake. It intends to penalize students' non-attendance with the loss of their driver's license without a clear legal mechanism to do so. By revoking driver's licenses and subjecting parents to fines and/or imprisonment, it criminalizes non-compliance with civil law.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 432 could conflict with Section 22-12A-11 which focuses on helping students improve attendance through support and intervention before any punishments are given. 22-12A-11 encourages schools to work with families, offer resources and find solutions to help students stay in school. However, HB 432 introduces harsh penalties, such as fines or jail time for parents and suspending a student's driving privilege. This could create problems because it shifts the focus from nonpunitive consequences to punishment.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

The bill focuses on one aspect of the truancy problem, parental involvement, and offers no redress for the other important issues that result in low levels of school attendance, such as mental health, low grades, and minimal school engagement.

## **ALTERNATIVES**

None.

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

None for CYFD.

## **AMENDMENTS**

None.