

LFC Requester:	Mercer-Garcia
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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}

Date Prepared: 2/21/2025 *Check all that apply:*
Bill Number: HB 434 Original Correction
Amendment Substitute

Sponsor: Joseph L. Sanchez **Agency Name and Code** AOC 218
Short Title: Adjudicated Delinquent Child Release Time **Number:** _____
Person Writing Adam Leuschel
Phone: 505-699-6451 **Email** aocapl@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0		

(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	\$0	\$0	\$0			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with HB 134, SB 326
Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 434 amends NMSA 1978, Sections 32A-2-19 Section 32A-2-23 to change the sentencing guidelines for adjudicated delinquent offenders and youthful offenders who are sentenced as juveniles. HB 434 accomplishes this by:

- Increasing the length of short-term commitments from 12 months to 18 months;
- Increasing the length of time spent in a facility for a short-term commitment from no more than 9 months to up to 12 months;
- Increasing the length of supervised release following both short-term and long-term commitments from 3 months to 6 months; and
- Requiring an offender sentenced to a short-term commitment to spend the remainder of their term in a facility if they violate the terms of their supervised release.

There is no appropriation listed in this bill.

There is no effective date of this bill. It is assumed that the effective date is June 20, 2025, which is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced commitment actions and appeals. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Whenever a commitment extension is requested, the court must hold a hearing under NMSA 1978, Section 32A-3-23(D). Because the child will be committed and supervised for an additional six months, HB 434 will likely lead to an increase in requests for extension and therefore in court hearings. More hearings would require additional judge time, court staff time, and courtroom availability, and would increase the time required to dispose of cases.

Section 32A-2-19 governs adjudicated delinquent offenders and youthful offenders subject to juvenile disposition. These are children who have been charged with less serious offenses or have low-risk profiles because they have proven amendable to treatment and rehabilitation. Children with low-risk profiles and less serious offense histories are more likely to reoffend if they are committed to a residential facility. Annie E. Casey Foundation, No Place for Kids: The Case for Reducing Juvenile Incarceration, pp. 9-12 (2011), at <https://assets.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf>.

HB 434 would require New Mexico youth to be committed to a facility for more than three times the national average. The U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that, from 1997-2021, half of committed youth were committed for less than 117 days.

OJJDP, Median Days in Placement Since Admission, by Placement Status, 1997-2021, at <https://ojjdp.ojp.gov/statistical-briefing-book/corrections/faqs/ga08405>. HB 434 would require all delinquent offenders sentenced at the short-term level to be committed to a residential facility for up to 365 days.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “fiscal implications” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 434 conflicts with portions of HB 136 and SB 326. Both HB 136 and SB 326 amend Section 32A-2-19 to eliminate all types of commitments and sentencing guidelines in Section 32A-2-19 and allow for broad judicial sentencing discretion.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS