

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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 2.19.25

Bill No: HB 434-280

Sponsor: Adjudicated Delinquent Child
Release Time
Short Joseph L. Sanchez
Title: _____

Agency Name
and Code 280-LOPD
Number: _____
Person Writing Allison H. Jaramillo
Phone: 505.395.2890 **Email** allison.jaramillo@lopdm.us

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 Expenditure 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: **HB 134; SB 326** (duplicate bills increasing juvenile penalties, including expanding maximum delinquency commitment terms).

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Section 1 would amend NMSA 1978, Section 32A-2-19, Disposition of an adjudicated delinquent offender, to expand the time for short-term commitments from a maximum nine months in a facility to a maximum of one year; and expanding the time for supervised release after a short-term commitment from a minimum of 90 days (and implicit maximum of one year), to “up to eighteen months” on supervised release.

It would also amend the statute to *require* the court to impose the remainder of the eighteen-month term in a facility if there is *any* violation of supervised release.

It would amend the duration of supervised release after a long-term commitment (two years total with a maximum 21 months in a custodial facility) from a minimum ninety days to “up to 180 days” of supervised release.

Section 2 would amend NMSA 1978, Section 32A-2-23, Limitations on dispositional judgments—modification—termination or extension of court orders to incorporate the same language as above expanding supervised release on short term and long term commitments.

FISCAL IMPLICATIONS

Enactment of any increase in supervision could result in more trials, as more defendants will prefer to risk a trial than take a plea to the greater penalty. If more, higher-penalty trials result from enactment, LOPD may need to hire more trial attorneys with greater experience to address these additional trials and ensure compliance with constitutional mandates of effective assistance of counsel. (Additionally, courts, DAs, AGs, and NMCD could anticipate increased costs.) Assessment would be necessary after the implementation of the proposed higher-penalty scheme.

SIGNIFICANT ISSUES

While the bill appears to remove mandatory minimum terms of supervised release, it would also expand the maximum terms of supervised release, giving judges more discretion on duration in both directions. However, it also increases the potential for *custodial* commitment in a juvenile facility from nine months to one year for short-term commitments. Furthermore, a mandatory requirement that a court impose the full balance of a commitment term for *any violation* of conditions of release removed crucial judicial discretion to evaluate the nature of a violation and the appropriate sanction for it.

Increasing the likelihood and length of commitment and supervised release for juveniles does not address the root cause of juvenile delinquency. *See, e.g.* Laurence Steinberg, *Adolescent Brain Science and Juvenile Justice Policymaking*, 23 *Psychol. Pub. Pol’y & L.* 410, 414 (2017) (outlining the science that concludes “[m]id-adolescence, therefore, is a time of high sensation-seeking but still developing self-regulation--a combination that inclines individuals toward risky behavior.”); *Roper v. Simmons*, 543 U.S. 551, 570 (2005) (“[t]he personality traits of juveniles are more transitory, less fixed” so that “[there is] a greater possibility ... that a minor’s character deficiencies will be reformed.”) (internal quotation marks and citation omitted).

If the Legislature wishes to reduce juvenile crime, it must understand why it is occurring in the first place and address the source: childhood trauma and neglect. The near-universal understanding of this issue is that the juvenile justice system is driven by Adverse Childhood Experiences (ACEs). Justice-involved youth experience high rates of ACEs, placing them in great need of behavioral health treatment. Policy makers, government agencies, and professionals working with justice-involved youth have called for trauma-informed juvenile justice reform.

Young people in the juvenile justice system have extremely high ACE histories. The study, “The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders” surveyed 64,329 juvenile offenders in Florida, and only 2.8% reported no childhood adversity; and 50% reported 4 or more ACEs putting them in the high risk category. “When you raise a child with violence, they have a tendency to become violent. Fortunately, the same is also true when you raise a child with love and kindness.” Kerry Jamieson, ACEs and Juvenile Justice, Center for Child Counseling.

The only way to successfully reduce juvenile crime is to prevent and address childhood trauma. New Mexico needs more robust assistive, non-punitive, intervention for families that struggle to meet children’s needs at a basic level (neglect) and a more complex level (when there is affirmative dysfunction including substance misuse and family violence in the home). New Mexico also needs robust, accessible behavioral health treatment for adolescents and teenagers who have already experienced ACEs in their lives. Wraparound services, counseling, educational programming, and mentorship opportunities will have a far greater impact on juvenile justice than any increase in punitive response ever could.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS