

LFC Requester:

Anne Hanika-Ortiz

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/09/2025

Check all that apply:

Bill Number: SB 147

Original Correction
Amendment Substitute

Sponsor: Sen. Harold Pope
Sen. Linda M. Trujillo

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Exclusionary Practices Act

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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 revenue 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:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Sections 1 – 3 of Senate Bill 147 (“SB147”) would create the Exclusionary Practices Act in the Children’s Code, NMSA 1978, Section 32A-1-1 to -22 (1978, as amended through 2024) which would operate to limit suspensions and expulsions of children enrolled in any licensed childcare facility or prekindergarten program in New Mexico. Suspension is defined for purposes of this act as both in and out of school suspension.

Specifically, SB147 would prohibit licensed providers subject to the act from expelling a child due to behavioral or disciplinary reasons except for instances where the child causes or threatens to cause bodily injury or serious bodily injury to another person—unless said injury is caused in self-defense. SB147 proscribes any suspension which is longer than three school days per incident.

Section 4 would require an entity subject to the Act to report to the Early Childhood Education and Care Department every disenrollment, expulsion, or suspension.

Section 5 would provide the Early Childhood Education and Car Department the authority to promulgate rules associated with implementing this Act.

Section 6 proposes an effective date of July 1, 2025.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

N/A