

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

LAST UPDATED _____
ORIGINAL DATE 2/26/2025

SPONSOR Sanchez

BILL

SHORT TITLE Adjudicated Delinquent Child Release Time NUMBER House Bill 434

ANALYST Garcia

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
CYFD	No fiscal impact	Up to \$7,000.0	Up to \$7,000.0	Up to \$14,000.0	Recurring	General Fund
AOC	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
LOPD	No fiscal impact	\$291.0	\$291.0	\$582	Recurring	General Fund
Total	No fiscal impact	Up to \$7,291.0	\$Up to 7,291.0	Up to \$14,582.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Conflicts with House Bills 134 and Senate Bill 326

Sources of Information

LFC Files

U.S. Office of Juvenile Justice and Delinquency Prevention

International Journal of Offender Therapy and Comparative Criminology

Agency Analysis Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

Law Office of the Public Defender (LOPD)

New Mexico Attorney General (NMAG)

New Mexico Sentencing Commission (NMSC)

Children, Youth and Families Department (CYFD)

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of House Bill 434

House Bill 434 amends the Delinquency Act, which relates to offenses committed by juveniles, to change sentencing guidelines for adjudicated delinquent offenders and youthful offenders who are sentenced as juveniles.

The bill would:

- Increase the length of short-term commitment from 12 months to 18 months;
- Increase the length of time spent in a secure facility for a short-term commitment from no more than nine months to up to 12 months;
- Increase the length of supervised release following short-term commitments from three months to six months; and
- Require an offender sentenced to a short-term commitment to spend the remainder of their term in a facility if they violate the conditions of their supervised release

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

House Bill 434 does not contain an appropriation.

The Children, Youth and Families Department (CYFD) reports no fiscal impact resulting from the bill. However, the agency will likely experience increased costs within Juvenile Justice Services if youth are committed to longer periods of time in secure facilities and remain on community supervision for longer periods of time, increasing caseloads within JJS.

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in juvenile detention facilities, jail, or prison and the length of time served in prison, juvenile detention, or jail that might result from this bill could have significant fiscal impacts. The creation of any new crime, increase in severity, removing alternatives to incarceration, or increase of sentencing penalties will likely increase the population in New Mexico's juvenile detention facilities and on juvenile probation (community supervision).

In 2020, the Justice Policy Institute estimated the national average cost for secure confinement of juvenile was \$588 per day, or \$214 thousand annually. A 2023 LFC program evaluation progress report on juvenile justice noted the per-client cost in a secure juvenile justice facility was \$383 thousand, though the evaluation noted the cost per client had increased 44 percent since FY19, as the number of clients in secure facilities decrease. House Bill 434 increases the length of short-term commitment by roughly 30 percent. If the number of juveniles in secure facilities were to increase by the same amount, relative to average daily census in FY24 (96 juveniles), the state could expect an average increase of 29 juveniles. Assuming the 2020 national average cost, if New Mexico were to increase the number of youths in secure juvenile justice facilities by 28 clients, the state could experience estimated annual cost increase of up to \$6 million.

The LFC progress report also estimated the per-referral, per-year cost of field supervision to be \$2,900 annually. According to CYFD data, total weekly caseloads among juvenile probation officers were 1,207. If the number of youth under community supervision were to increase by roughly 30 percent (362 juveniles) If the number of juveniles under field supervision were to increase by individuals, the state could expect a increased costs of roughly \$1 million annually.

In recent years, the Juvenile Justice Services budget within CYFD has had significant reversions and the agency may be able to absorb some of the potential increased costs.

The Administrative Office of the Courts (AOC) notes potential administrative costs associated with update, distribution, and documentation of statutory changes as well as potential cost increases associated with any statutory change that may impact caseloads within the judiciary. AOC also notes, whenever a commitment extension is requested, the court must hold a hearing under Section 32A-3-23 NMSA 1978. House Bill 434 would increase the length of commitments, AOC projects an increase in requests for extensions and therefore court hearings. This increase will result in additional judge and court staff time, potentially increasing time to dispose of cases and increasing costs.

The Law Offices of the Public Defender (LOPD) reports House Bill 434 will likely increase costs because more defendants may prefer to risk a trial rather than seeking a plea at a greater penalty. More higher-penalty trials may result in the need for LOPD to hire more trial attorneys, though LOPD did not provide a specific cost estimate. The office notes the cost of a mid-point level public defender, including benefits, support staff, and operating costs, to be roughly \$291 thousand annually. This analysis assumes LOPD may need to hire at least one additional attorney should House Bill 434 pass.

The Administrative Office of the District Attorneys (AODA) and the Department of Public Safety (DPS) reported no fiscal impact resulting from House Bill 434.

SIGNIFICANT ISSUES

House Bill 434 would increase sentences within Section 32A-2-19 related to delinquent offenders and youthful offenders, which involve children who have been charged with less serious offenses or have low risk profiles, reports AOC. These children generally have lower risk profiles because they have been proven amenable to treatment and rehabilitation. AOC also cites research published by the Annie E. Casey Foundation which suggests children with low-risk profiles and less serious offense histories are more likely to reoffend if they are committed to a residential facility.

LOPD analysis suggests while the bill appears to remove mandatory minimum terms for supervised release for juveniles, it would also expand the maximum terms of supervised released, giving judges more discretion on duration in either direction.

AOC also notes House Bill 434 would require adjudicated youth be committed to facilities for more than three times the national average. According to the U.S. Office of Juvenile Justice and Delinquency Prevention, between 1997 and 2021, half of committed youth were committed for less than 117 days. AOC notes House Bill 434 would require all delinquent offenders sentenced at the short-term level to a residential facility be committed for up to 365 days.

LOPD also cites research indicating the length of commitment and supervised release for juveniles does not address root causes of juvenile delinquency, noting the prevalence of adverse childhood experiences among the juvenile offenders.

Meanwhile, AODA and DPS suggested extending the amount of time juveniles spend in supervised release could provide CYFD and the child more time to integrate back into society and the family setting, while extending commitment up to 18 months would provide the court with greater discretion when sentencing a delinquent child.

Research, including a 2018 meta-analysis published in the *International Journal of Offender Therapy and Comparative Criminology*, indicates that after-care or reentry supervision has small but positive and statistically significant effects on juvenile recidivism. However, this research did not consider duration of reentry supervision programs.¹

CYFD analysis indicates JJS staff provided input regarding House Bill 434 and support the provisions of the bill, noting:

The additional three months on supervised release will give CYFD up to six months to work with children and youth on supervised release. This added time provides youth with a critical safety net that may prevent recidivism that results when the youth is not ready for total independence.

And

This bill will also provide the Supervised Release Panel with the opportunity to review the cases and determine whether the client is ready for supervised release without having to release the client at nine-months in order to satisfy the current mandatory release time. This will allow those clients who need additional time and structure in the facility to have it before being released.

The Sentencing Commission Juvenile Committee reviewed and was split regarding the proposals contained within the bill; while some members noted the proposed increases to supervision would allow CYFD to have more time to provide services to children who need them, other members objected to provisions to allow CYFD to hold children for longer and allow courts to impose harsher punishments. The Sentencing Commission analysis cites New Mexico Juvenile Justice Advisory Committee data indicating referrals to juvenile probation in FY24 (7,622) were 27 percent below pre-pandemic levels.

Juvenile Justice Services Background. In 2006, New Mexico reached a settlement agreement aimed at improving juvenile justice in New Mexico. Subsequently, New Mexico implemented a series of evidence-based juvenile justice system reforms, including development and validation of risk and needs assessment tools to guide detention admission decisions and treatment decisions (at CYFD), improvement of behavioral health services, hiring of additional staff to diagnose and understand system trends, and using community-based alternatives to confinement for lower risk cases. The system reforms, also referred to as the Cambiar model, emphasized rehabilitation over punishment and followed some best practices of similar reforms in the Missouri juvenile justice system.

Between FY08 and FY23, referrals to Juvenile Justice Services at CYFD, almost all from law enforcement because of a violation of the Delinquency Act, declined from nearly 24 thousand in FY08 to a low of less than 5,000 during the pandemic in FY21. The 2023 LFC progress report attributed this decline to a variety of factors, including a drop in the state's youth population and the state's reforms in juvenile justice. In FY22, referrals to Juvenile Justice Services began to increase.

In FY23, a total of 5,528 juveniles were referred to Juvenile Justice Services, an increase of 828 juveniles, but well below the 8,230 juveniles referred to JJS in FY19. Once referred to JJS, the case may either be handled informally (roughly 70 percent of cases in FY23) or formally through the filing of a petition in court (roughly 26 percent of cases in FY23). In FY23, the five most common offenses for delinquent referrals were battery, battery against a household member, possession of cannabis products, public fighting, and resisting or evading an officer.

As a result of the reforms and declines in juvenile justice system referrals, the population in secure facilities in New Mexico declined, and New Mexico closed two secure facilities and two reintegration centers. In addition, following over 15 years of a downward trend, the population in CYFD's secure juvenile justice facilities increased in FY24 and the beginning of FY25. In FY24, CYFD reports average daily census in the state's secure facilities averaged 96 young people, following a low of 80 in FY23, and average daily census exceeded 100 in the first quarter of FY25. While census in secure facilities has increased, the secure population remains below the overall capacity of the state's two operational secure facilities.

The 2023 LFC progress report on Juvenile Justice Services noted recidivism rates fell slightly among both youth discharged from field supervision and secure commitment declined between FY19 and FY22. Since the pandemic, New Mexico has experienced persistently high rates of certain types of crime, particularly in Bernalillo County, as documented in the 2024 LFC report *Update on Crime in New Mexico and Bernalillo County*. The report also noted an increase in certain types of juvenile crime, particularly in Bernalillo County. In 2023, the 2nd Judicial District Court reported 781 juvenile criminal cases, an increase of 38 percent relative to the prior year. Of those cases, 34 percent involved juveniles with firearms. The 2nd Judicial District Court has also reported an increased in homicides committed by juveniles since the pandemic.

Despite the uptick in referrals and specific offenses, CYFD's FY24 report card data indicates recidivism among youth released from field supervision improved compared to FY22 levels (86 percent did not recidivate within two years), though recidivism among youth released from secure facilities worsened (34 percent did not recidivate in two years).

PERFORMANCE IMPLICATIONS

AOC notes the bill may impact performance measures related to cases filed and disposed.

Juvenile Justice Services within CYFD also has performance measures related to successful of community supervision and recidivism following community-supervision and secure confinement which may be impacted by House Bill 434.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 434 conflicts with House Bill 134 and Senate Bill 326 (companions), which amend Section 32A-2-19 to eliminate sentencing guidelines and allow for broad judicial sentencing discretion, among other broad changes to the Delinquency Act.

RMG/hj/SL2

¹ Bouchard, J., & Wong, J. S. (2018). Examining the effects of intensive supervision and aftercare programs for at-risk youth: A systematic review and meta-analysis. *International Journal of Offender Therapy and Comparative Criminology*, 62(6), 1509-1534.