

LFC Requester:	Rachel 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: 1/24/2025 *Check all that apply:*
Bill Number: HB 163 Original Correction
 Amendment Substitute

Sponsor: Representative Andrea Reeb,
Representative William Hall,
Representative Nicole Chavez **Agency Name and Code Number:** Office of Family Representation & Advocacy 6800
Short Title: Additions to "Delinquent Act" **Person Writing:** Wolfgang J. Bomgardner
Phone: 505-538-0134 **Email:** wolf.bomgardner@ofra.nm.gov

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

BILL SUMMARY

Synopsis:

An addition to the Delinquency Act establishing the purchase, possession, receipt, production, or use of cannabis, or presence in a cannabis retail establishment as a “delinquent act.” There is an exception for the use of medicinal cannabis and an exception for being present in a cannabis retail establishment with a parent or adult spouse.

FISCAL IMPLICATIONS

Although there are no appropriations associated with this bill, it could potentially increase caseloads in juvenile and criminal court. An increase in case load without a commensurate increase in appropriations may lead to budget shortfalls, delays in processing cases, and failure to provide adequate legal representation.

Even with increased caseloads in juvenile and criminal court, this bill would not likely have a fiscal impact on the Office of Family Representation and Advocacy (OFRA).

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

This bill could result in more children being incarcerated and children being incarcerated for longer durations. Increasing detention of children destabilizes the futures of those children, their families, and their communities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill amends an act that is also the subject of another bill, HB 134.

TECHNICAL ISSUES

It is already a “delinquent act” for a minor to be present in a liquor establishment without a parent, or to purchase, receive, or use alcohol (page 2, line 13). The bill deletes his current section regarding alcohol and creates a new section regarding the same issue (page 3, line 21). The new section has confusing, if not contradictory, language at page 3,

lines 23-24. This confusing language could be clarified by changing the language to say any of the following are delinquent acts: “[A]ttempting to buy, receiving, possessing or being served any alcoholic liquor or *being present in a licensed liquor establishment, other than a restaurant or a licensed retail liquor establishment, when not in the presence of the child’s parent, guardian, custodian or adult spouse.*”

The confusion could also be eliminated by defining (and thereby more clearly distinguishing between) the terms “licensed liquor establishment” and “licensed retail liquor establishment.”

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Continue to criminalize adults only for providing cannabis to minors.

AMENDMENTS