

LFC Requester:

Rachel Mercer-Garcia

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: 2/19/2025

Check all that apply:

Bill Number: HB 434

Original Correction
Amendment Substitute

Sponsor: Rep. Joseph L. Sanchez

Agency Name and 305 – New Mexico

Code Number: Department of Justice

Person Writing

Short Adjudicated Delinquent Child

Analysis: Seth C. McMillan

Title: Release Time

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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: This bill amends Section 32A-2-19 of the Children's Code to lengthen the time period for mandatory supervised release of an adjudicated delinquent child to 180 days.

Section 1 amends Section 32A-2-19(B)(1)(a) to amend the length of a short-term commitment that a judge may order for a delinquent child to "eighteen months with up to" one year in a facility. It eliminates the limitation that "No more than nine months" shall be served at the facility and replaces it with "Up to one year" shall be served at the facility. It adds "up to one hundred eighty days" of supervised release, deleting "no less than ninety days" of supervised release. Further, it adds to Section 32A-2-19(B)(1)(a) providing that the above is true unless "there is a violation of supervised release, in which case the remainder of the term shall be served in the facility."

Section 1 also amends Section 32A-2-19(B)(1)(b) to amend the length of supervised release allowable in connection with a long-term commitment ordered by a judge for a delinquent child to "up to one hundred eighty days," deleting "no less than ninety days."

Section 2 amends Section 32A-2-23(D) to align with the above. It provides that prior to the expiration of a short-term commitment of "eighteen months with up to" one year "in a facility", the court may extend the judgment. If a short-term commitment is extended, the mandatory supervised release is extended to "up to one hundred eighty days of" supervised release, deleting the "ninety-day" period of supervised release previously made mandatory.

Section 2 also amends Section 32A-2-23(E) to align with the above. It provides that if a long-term commitment is extended, the mandatory supervised release is extended to "up to one hundred eighty days of" supervised release, deleting the "ninety-day" period of supervised release previously made mandatory.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 134 (2025) deletes all of language this bill amends in 32A-2-19, and amends 32A-2-23 differently than this bill does, and is therefore in conflict.

SB 326 (2025) is a Senate companion to/duplicate of HB 134, and likewise deletes all of language this bill amends in 32A-2-19, and amends 32A-2-23 differently than this bill does, and is therefore in conflict.

SB 35 (2025) is related to this bill in that upon receipt of an order from a court pursuant to Section 32A-2-19, MVD shall revoke the driver's license or driving privileges for a period of time in accordance with these provisions. It does not conflict with this bill.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.