

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: 21 February 2025 *Check all that apply:*
Bill Number: HB 434 Original Correction
 Amendment Substitute

Sponsor: J. Sanchez **Agency Name and Code** NM Sentencing Commission -- 354
Short Title: Adjudicated Delinquent Child Release Time **Number:** _____
Person Writing Douglas Carver **Phone:** 505-239-8362 **Email** dhmcarver@unm.edu

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:

HB 434 makes a variety of changes to the Delinquency Act so that CYFD can hold and supervise children for longer.

It amends Section 32A-2-19 NMSA 1978, regarding the disposition of an adjudicated offender, so that for a child found delinquent, the court's options for the length of a short-term commitment have been increased. The commitment can now be for 18 months, with up to one year in a facility for the care and rehabilitation of adjudicated delinquent children. Rather than the present limit of no more than 9 months, up to one year shall be served at the facility, and up to 180 days (rather than the present no less than 90 days) shall be served on supervised release. An additional exception has also been added to these parameters: if there is a violation of supervised release, the remainder of the term shall be served in the facility. For a long-term commitment for no more than two years in a facility for the care and rehabilitation of adjudicated delinquent children, up to 180 days, rather than no less than 90 days, shall be served on supervised release.

HB 434 also amends Section 32A-2-23, regarding the limitations of dispositional judgements and the modification, termination, or extension of court orders, to conform to the changes in Section 32A-2-19.

FISCAL IMPLICATIONS

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

HB 434 is not a bill from the Sentencing Commission, but the commission's Juvenile Committee discussed the concepts contained in the bill and commented on a draft of the bill. The members of the Juvenile Committee were severely split on this proposal. While some members of the Juvenile Committee thought that these proposals would allow for CYFD to have more time to provide services for children who need them, others objected to provisions that allow CYFD to hold children for longer, and to have harsher punishments for children who violate conditions. All agreed that there needs to be more services available for children who are involved in the juvenile justice system.

The New Mexico Juvenile Justice Advisory Committee has noted that referrals to Juvenile Justice are 27% below pre-pandemic numbers: FY19: 10,324 referrals to Juvenile Probation; FY24: 7622 referrals to Juvenile Probation. Additionally, JJAC notes that 90% of youth placed

on supervised probation complete successfully, and 86% of youth discharged from supervision did not recidivate in the following two-year period.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS