

LFC Requester: _____

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: February 11, 2025 *Check all that apply:*
Bill Number: SB 326 Original Correction
 Amendment Substitute

Sponsor: Pete Campos **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Delinquency Act Changes **Person Writing:** Troy Davis
Title: _____ **Phone:** 5053858461 **Email:** Davistr@msn.com

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:

SB 326 expands definitions for “serious youthful offender” and youthful offenders. Allows for serious youthful offenders aged 14 or older to waive their right to an amenability hearing. Removes the requirement for a children’s court to consult probation services filing a delinquency petition. Eliminates the need for a detention risk assessment before placing child in detention. Eliminates special masters and magistrate judges from probable cause hearings. Allows detained children who turn 18 to be transferred to adult facilities. Give the court sentencing discretion anywhere from probation to commitment to 25 years old. Authorizes referencing sealed juvenile records for pretrial detention, conditions of release or sentencing hearings.

FISCAL IMPLICATIONS

Expanding the age range to fourteen instead of fifteen, new additions to definition of serious youthful offender and youth offender would have the effect of increased prosecution of serious youthful offender and youth offender which are more involved than regular delinquent cases. There would be needed additional resources for the judiciary, district attorneys, public defenders, and juvenile probation officers.

SIGNIFICANT ISSUES

Youth offender status conflict with the proposed change in 32A-2-19(B)(1). Purpose of “youth offender” status is to give more jurisdiction over the child and to possibly impose an adult sentence. The proposed change in 32A-2-19(B)(1) give the court discretion on all delinquent acts up to the age of twenty-five. Most of the “youth offender” offense are third degree felonies which are only eighteen months jurisdiction or three-year jurisdiction. A prosecutor would have more jurisdiction in charging the child as a delinquent child instead of a “youth offender”. 32A-2-19(B)(1) would also clash with youth offender sentencing. If the court does not impose an adult sentence, then the Court can only sentence the child up to the age of twenty-one. The easy fix is to delete 32A-2-19(B)1 in HB134.

In SB 326 section 32A-2-13 would eliminate the use of special masters which would have significant effect in Bernalillo County who use special masters on daily basis for probable cause hearings and detention hearings. The special masters help relief an over burned child court docket. To eliminate special masters would require new district court judges for child court cases.

The expanded definition of “youth offender” are mainly centered around the increase in violent crimes that juveniles are committing. Leaving the scene of accident with death or great bodily harm seems to not to fit addressing the increase in violent crime of of juveniles.

TECHNICAL ISSUES

The title is changed in 32A-2-20 and adds “AND SERIOUS YOUTHFUL OFFENDER” which is not necessary, as “series youth offender” is not under Children’s Code and reduced, as they would become “youthful offender” or juvenile” offenses.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There will continue to be increase in juvenile committing violent offenses. This bill provides accountability as to violent juvenile offenders. The bill also fixes several practical issues for example electronic hearing process does not have to be procedurals spelled out major of Court do electronic hearing exactly as regular court. The bill also addresses for practical issue of eliminating the word bail from the child code and the ability to use juvenile's history for pre-detention hearings. If the bill is not passed there will exist an outdated language and concepts in Child's Code.