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FISCAL IMPACT REPORT

SPONSOR	<u>Duhigg</u>	LAST UPDATED	<u>10/1/2025</u>
		ORIGINAL DATE	<u>10/1/2025</u>
		BILL	
SHORT TITLE	<u>Criminal Competency</u>	NUMBER	<u>Senate Bill 2</u>
		ANALYST	<u>Sanchez/Jacobs</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Total	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Administrative Office of the District Attorneys
Office of the Attorney General
Administrative Office of the Courts

Agency Analysis was Solicited but Not Received From

Law Offices of the Public Defender
New Mexico Sentencing Commission
Metropolitan Court

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 Senate Bill 2

Senate Bill 2 amends Section 31-9-1 NMSA 1978 to allow the Bernalillo County Metropolitan Court to retain jurisdiction over misdemeanor cases when a defendant's competency is in question—undoing a change made in the 2025 regular session, which required these cases to be transferred to district court. The bill includes an emergency clause.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

FISCAL IMPLICATIONS

Due to the short timeline between the bill's introduction and its first scheduled hearing, several agencies have been unable to respond to the request for analysis. As a result, the full fiscal impact of Senate Bill 2 is difficult to estimate.

Although this bill does not make any substantive changes that will impact the number of cases where competency is raised, the fact the courts will be able to retain jurisdiction means there may be costs that shift from the District Court back to the Bernalillo County Metropolitan Court (Metro Court) because cases that have been transferred to district court since June 2025 will begin filtering back to Metro Court. This may lead to increased costs across the criminal justice system, but it may also be a neutral change for the general fund because the state is paying for these cases to proceed through one court or another, either way.

The Administrative Office of the District Attorneys and the Office of the Attorney General stated they do not anticipate any fiscal impacts from the bill. The Administrative Office of the Courts states there will be minimal administrative costs statewide.

Without additional agency input, it is unclear whether existing resources can meet these demands or if additional appropriations will be necessary.

SIGNIFICANT ISSUES

To be convicted of a crime, defendants must be competent to stand trial, meaning they can understand court proceedings and assist in their own defense. If a party raises concerns about a defendant's competency, the court pauses the case and orders a mental health evaluation. Before 2025, Metro Court handled misdemeanor competency cases without transferring them to district court. Metro Court had a specialized docket, contracts with evaluators, and pretrial officers dedicated to these cases.

Laws 2025, Chapter 4, required all Metro Court cases involving competency to be transferred to the 2nd Judicial District Court. This change slowed down the process, overburdened the already busy district court, and delayed outcomes for defendants. Senate Bill 2 would reverse that change, allowing Metro Court to retain these cases once again. According to the Administrative Office of the Courts, this would ease the district court's workload and speed up the evaluation and resolution of misdemeanor competency cases.

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