

<b>LFC Requester:</b>	<b>Marty Daly</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**        **Amendment**      
**Correction**        **Substitute**   

**Date** 2/5/2024

**Bill No:** HB 233

**Sponsor:** Rep. Lujan and Sen. Ortiz y Pino  
**Short Title:** Criminal Competency Determination

**Agency Name and Code Number:** University of New Mexico-952  
**Person Writing:** Lenaya Montoya  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	0	0

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	0	0	0

(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: House Health and Human Services Committee Substitute (HHHSC Sub) for HB 233 provides for the determination of competency in criminal procedures. HHHSC Sub for HB 233 establishes competency restoration programs and requires reports from restoration programs. Additionally, HHHSC Sub for HB 233 requires that the state pay for the mental health evaluations.

**FISCAL IMPLICATIONS**

University of New Mexico Hospital (UNMH) does not identify significant financial implications with the House Health and Human Service Committee Substitute.

**SIGNIFICANT ISSUES**

UNMH would find it problematic if the court starts ordering these Forensic admissions to general inpatient units like we have at UNM Psychiatric Center as we are not set up for these kinds of patients and that is not the model of care we currently provide. Additionally, “State Hospital” should be defined.

**PERFORMANCE IMPLICATIONS**

UNMH does not provide outpatient competency restoration or competency examinations. UNMH does determine decisional capacity normally in the context of treatment decisions, however competency examinations would normally require a forensic psychiatrist or psychologist.

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Inpatient competency restoration would require being admitted to an inpatient unit, normally an inpatient forensic unit, UNMH does not believe it is possible to do this in a residential level of care as the bill outlines.

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The current process will remain in place.

**AMENDMENTS**