

LFC Requester:	Scott Sanchez
-----------------------	----------------------

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: 02/05/2025 *Check all that apply:*
Bill Number: HB 4 Original Correction
 Amendment Substitute

Sponsor: Christine Chandler **Agency Name and Code Number:** 770-NMCD
Short Title: Criminal Competency Evaluation **Person Writing:** Anisa Griego-Quintana
Phone: 505-479-2296 **Email:** anisa.griego-quinta@cd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(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	0	0	0	0	N/A	N/A

(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 Consumer and Public Affairs Committee amendments to HB4 make a number of clarifying changes, several of which remove responsibility for direct handling of a defendant by the Department of Health and restore the responsibility to a psychiatric facility. The specific changes are:

- Clarifies in which court a case shall be heard unless a case is dismissed upon motion of a party or through diversion (district court)
- Restores the evaluation of a defendant's competency to "a qualified professional" rather than a psychologist or psychiatrist
- Requires a transport order returning a defendant to the local jail within 72 hours
- Requires that a defendant committed for competency restoration be detained in a secure, locked, licensed inpatient psychiatric hospital rather than detained by DOH in a secure, locked facility
- Requires that the inpatient psychiatric hospital admit a defendant for competency restoration, rather than DOH
- Restores language that the admittance for competency restoration within 30 days of the court's order of commitment include documents required for admission pursuant to DOH policies. Similar language is restored relating to certification of DOH's inability to meet the needs of the defendant, requiring necessary documents for admission
- Requires the treatment supervisor, rather than DOH, to submit a progress report at least seven days prior to a review hearing and restores authority to the treatment supervisor to report that a defendant has satisfied the criteria for involuntary commitment, rather than DOH
- Requires that a hearing to determine whether a defendant is not competent due to a developmental or intellectual disability include an evaluator who has been provided with the necessary documents required for admission pursuant to DOH policies.

FISCAL IMPLICATIONS

The amendments do not pose significant fiscal implications to the department.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.