

SENATE BILL

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2025**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL COMPETENCY; PROVIDING FOR A METROPOLITAN COURT TO RETAIN JURISDICTION OF A CASE IN WHICH THE QUESTION OF A DEFENDANT'S COMPETENCY IS RAISED UNLESS THE METROPOLITAN COURT DETERMINES THAT THE DEFENDANT IS NOT COMPETENT TO STAND TRIAL; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-9-1 NMSA 1978 (being Laws 1988, Chapter 107, Section 1 and Laws 1988, Chapter 108, Section 1, as amended) is amended to read:

"31-9-1. DETERMINATION OF COMPETENCY--RAISING THE ISSUE.--

A. When a party or the court raises a question as to a defendant's competency to stand trial in a criminal case, the proceeding shall be suspended until the issue is

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1 determined.

2 B. Unless the case is dismissed upon motion of a  
3 party or through diversion, if the question of a defendant's  
4 competency is raised in a court other than a district court or  
5 metropolitan court, the case shall be transferred to the  
6 district court; provided that if the question of a defendant's  
7 competency is raised in a metropolitan court and the court  
8 determines that the defendant is not competent to stand trial,  
9 the case shall be transferred to the district court."

10 SECTION 2. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect immediately.

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