

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.state.nm.us/AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** January 20, 2026*Check all that apply:***Bill Number:** HB 52Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Andrea Reeb**Agency Name  
and Code**Administrative Office of the  
District Attorneys - #264**Short** Criminal Competency Statute**Number:****Person Writing** M. Anne Kelly**Title:** Cross References**Phone:** 5052503302**Email** akelly@da.state.nm.us**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

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

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(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:**

This bill amends nine statutes: Section 30-7-16 (“Firearms or Destructive Devices – Receipt, Transportation or Possession by Certain Persons – Penalty”); Section 31-3-12 (“Availability of Global Positioning System Data on Defendants on Pretrial Release”); Section 31-9-1.2 (“Determination of Competency – Commitment – Report”); Section 31-9-1.4 (“Determination of Competency – Incompetent Defendants”); Section 31-9-1.5 (“Determination of Competency – Criminal Commitment – Evidentiary Hearing”); Section 31-9-1.6 (“Hearing to Determine Developmental or Intellectual Disability”); Section 31-18-16 (“Use, Brandishing or Discharge of Firearm – Alteration of Basic Sentence – Suspension and Deferral Limited”); and Section 33-2A-3 (“Definitions” in the Corrections Population Control Act); Section 33-11-3 (“Definition” in the “Inmate Literacy Act”) to correct a reference to Section 33-2-34.

The corrections are to specify Subsection N of Section 33-2-34 instead of Subsection L. The references in the statutes are to “nonviolent” or “serious violent offenses” as those terms are used in Section 33-2-34(N).

Section 33-2A-3(D)(2) is also amended to change “his” to the gender neutral “the person’s.”

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

#### **SIGNIFICANT ISSUES**

None noted.

#### **PERFORMANCE IMPLICATIONS**

None noted.

#### **ADMINISTRATIVE IMPLICATIONS**

None noted.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Conflict - HB 49 deletes the subsection in Section 30-7-16 that is subject to the amendment in this bill.

#### **TECHNICAL ISSUES**

None noted.

#### **OTHER SUBSTANTIVE ISSUES**

None noted.

## **ALTERNATIVES**

n/a

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

Status quo.

## **AMENDMENTS**

n/a