

LFC Requester:

**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

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{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 1/20/2026

Bill No: HB 52-280

Sponsor: Andrea Reeb
Short Title: CRIMINAL COMPETENCY
Title: STATUTE CROSS REFERENCES

Agency Name and Code LOPD - 280
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None known
Duplicates/Relates to Appropriation in the General Appropriation Act: None known

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: NMSA 1978, Section 33-2-34, the Earned Meritorious Deductions Act (EMDA), was amended in July of 2025. Subsection (N)(4)(a)-(n) contains a list of offenses which are designated by law as serious violent offenses and which were previously contained in subsection L. However, numerous statutes continue to refer to subsection L as containing the list of designated serious violent offenses. This bill would update various statutes which currently refer to the pre-2025 serious violent offense portion of the EMDA—that is, Section 33-2-34(L)(4)(a)-(n)—but which should refer to Section 33-2-34(N)(4)(a)-(n).

In particular, the bill identifies and proposes to update cross-references to the applicable serious violent offense provision of the EMDA in the following statutes, many (though not all) of which involve competency:

- NMSA 1978, Section 30-7-16;
- NMSA 1978, Section 31-3-12;
- NMSA 1978, Section 31-9-1.2;
- NMSA 1978, Section 31-9-1.4;
- NMSA 1978, Section 31-9-1.5;
- NMSA 1978, Section 31-9-1.6;
- NMSA 1978, Section 31-18-16;
- NMSA 1978, Section 33-2A-3; and
- NMSA 1978, Section 33-11-1.

The bill would also make minor, non-substantive changes to two other provisions in the aforementioned statutes, including saying “person’s” instead of “his” in subsection (D)(2) of Section 33-2A-3 and adding an “and” in subsection (E)(4) of Section 31-9-1.5.

FISCAL IMPLICATIONS

The proposed revisions are not likely to have any fiscal implications for the LOPD, as practitioners and judges regularly impute the correct statutory reference in practice.

SIGNIFICANT ISSUES

The proposed revisions would correct statutory references which would clarify the law and prevent confusion going forward.

PERFORMANCE IMPLICATIONS None known.

ADMINISTRATIVE IMPLICATIONS None known

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP None known

TECHNICAL ISSUES

Analyst is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill and analyst is unaware that it has been drawn pursuant to a special message of the Governor.

OTHER SUBSTANTIVE ISSUES None known**ALTERNATIVES** None identified**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The aforementioned statutes would continue refer to the wrong (outdated) Section of the EMDA.

AMENDMENTS None known