

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 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: 2/06/2026 *Check all that apply:*
Bill Number: SB 232 Original Correction
 Amendment Substitute

Sponsor: Crystal Brantley **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Determine competency of a child **Person Writing:** Troy J. Davis
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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
Total						

(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: Senate Bill 232 establishes how the question of a child's competency is initiated and evaluated. Competency concerns can be raised by the court or through a written motion from either party in the proceeding. The court may order a competency determination if it finds a "compelling reason" to do so. The bill explicitly states that the age of the child cannot be the sole compelling reason for an evaluation. Child defendants are presumed competent under this proposed law. If ordered, the evaluation must be conducted by an independent child psychologist recognized by the court as an expert. A determination of competency under this act must include four specific assessments of the child's cognitive and functional abilities. 1. The ability to understand relevant information, 2. The ability to appreciate the consequences of choices, 3. Measurement of reasoning skills regarding weighing options and outcomes, 4. Ability to express a choice clearly.

FISCAL IMPLICATIONS

There is a need for funding for a child psychologist. The bill does not address if the psychologist would be the court's expert or up to the attorneys to hire a child psychologist.

SIGNIFICANT ISSUES

The bill does not provide any time lines that the evaluation should be done or whether the case is stayed like in adult cases. The bill also does not provide for what to do with an incompetent child. The bill does not address if a child is dangerous and incompetent.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 334 provides a more compressive bill for competence of children.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL