

LFC Requester:

Henry Jacobs

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: 7 February 2026

Check all that apply:

Bill Number: SB 232Original Correction Amendment Substitute Sponsor: BrantleyAgency Name
and CodeNew Mexico Sentencing
Commission (354)Short Determine Competency of a

Number:

Person Writing Douglas CarverTitle: ChildPhone: 505-239-8362 Email dhmcarver@unm.edu**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	\$451	Nonrecurring	

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:

SB 232 creates a new section of law regarding the determination of competency for children in court proceedings. Under the bill, the question of competency of a child may be raised by the court or by written motion of either party to the proceeding, accompanied by any documents supporting the motion. The court may order a determination of a child's competency if the court finds that a compelling reason exists to evaluate and determine competency. The age of the child shall not alone be a compelling reason. There is to be a presumption that a child is competent.

The bill instructs that upon the court ordering a determination of competency of a child, the child's competency shall be evaluated by an independent child psychologist recognized by the court as an expert. The determination of competency shall include an evaluation of the child's ability to understand relevant information; an assessment of the child's ability to appreciate the consequences of choices; a measurement of the child's reasoning skills in weighing options and outcomes; and the child's ability to express a choice clearly.

“Child” is defined as a person under 18.

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.

SIGNIFICANT ISSUES

SB 232 conflicts directly with existing law. There are provisions in the Delinquency Act and the Children's Mental Health and Developmental Disabilities Act that cover the competency of children.

In the Delinquency Act, Section 32A-2-21 concerns the disposition of a child with a mental disorder or developmental disability in a delinquency proceeding. Subsection G of that Act specifically addresses the processes to be followed if there is a question of a child's competency to stand trial or participate in the child's own defense.

The Children's Mental Health and Developmental Disabilities Act, Section 32A-6A-1, *et seq.*, is the state's law on addressing children with mental health challenges, and is incorporated into Section 32A-2-21 of the Delinquency Act cited above.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS