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| LFC Requester: | Henry Jacobs |
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AGENCY BILL ANALYSIS – 2026 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: 6 FEB 2026 *Check all that apply:*
Bill Number: SB232 Original X Correction
 Amendment Substitute

Sponsor: Crystal Brantley **Agency Name and Code Number:** 790 – Department of Public Safety
Person Writing: Randy Larcher
Short Title: Determine Competency of a Child **Phone:** 575-386-7712 **Email:** Randyt.larcher@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26 | FY27 | | |
| NFI | NFI | N/A | N/A |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26 | FY27 | FY28 | | |
| NFI | NFI | NFI | N/A | N/A |
| | | | | |

(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 | NFI | NFI | NFI | NFI | N/A | NA/ |

(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

Senate Bill 2232 (SB-232) proposes a new process to govern how a court shall determine the competency of a person under age 18. The question may be raised by the court or either party. The court has discretion to order an evaluation if it finds a compelling reason do so. There is a presumption that a child defendant is competent. If the court orders a determination, the child shall be evaluated by an independent child psychologist the court recognizes as an expert. The section establishes what the determination must include.

The bill establishes the procedures and criteria for evaluating whether a child is mentally capable of participating in legal proceedings:

- **Presumption of Competency:** Every child defendant is legally presumed to be competent.
- **Raising the Question:** The court or either party in a proceeding can raise the question of competency via a written motion, which must include supporting documentation.
- **Compelling Reason Standard:** A court will only order a competency evaluation if a "compelling reason" exists. Crucially, the child's age alone is not considered a compelling reason.
- **Expert Evaluation:** Evaluations must be conducted by an independent child psychologist recognized by the court as an expert.
- **Specific Evaluation Criteria:** The evaluation must measure the child's ability to understand information, appreciate consequences, reason through options/outcomes, and express choices clearly.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

SB 232 expands on requirements under NMSA 1978, Section 32A-2-21 by specifying the evaluation criteria and findings that must be included in a competency evaluation for a minor. Updates may be required in this section of the Children's Code along with updates to the Children's Code Rules, specifically Rule 10-242 NMRA.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.