

LFC Requester:	Marty Daly
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply: Date 2/6/2024
Original **Amendment** **Bill No:** SB 16
Correction **Substitute**

Sponsor: Sen. Ortiz y Pino and Rep. Lujan **Agency Name and Code** University of New Mexico-952
Short Title: Criminal Competency Determination **Number:** _____
Person Writing Lenaya Montoya
Phone: 5052771670 **Email** lenayamontoya@unm.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	0	0

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	0	0

(Parenthesis () Indicate Expenditure Decreases)

Duplicates: HB 233

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Health and Public Affairs Committee Substitute (SHPAC Sub) for SB 16 provides for the determination of competency in criminal procedures. SHPAC Sub for SB 16 establishes competency restoration programs and requires reports from restoration programs. Additionally, SHPAC Sub for SB 16 requires that the state pay for the mental health evaluations.

FISCAL IMPLICATIONS

University of New Mexico Hospital (UNMH) does not identify significant financial implications with the SHPAC Sub for SB 16.

SIGNIFICANT ISSUES

UNMH would find it problematic if the court starts ordering these Forensic admissions to general inpatient units like we have at UNM Psychiatric Center as we are not set up for these kinds of patients and that is not the model of care we currently provide. Additionally, “State Hospital” should be defined.

PERFORMANCE IMPLICATIONS

UNMH does not provide outpatient competency restoration or competency examinations. UNMH does determine decisional capacity normally in the context of treatment decisions, however competency examinations would normally require a forensic psychiatrist or psychologist.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Inpatient competency restoration would require being admitted to an inpatient unit, normally an inpatient forensic unit, UNMH does not believe it is possible to do this in a residential level of care as the bill outlines.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current process will remain in place.

AMENDMENTS