

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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:** 3/19/2025 *Check all that apply:***Bill Number:** SB510 Original ☐ Correction ☐
Amendment ☐ Substitute ☒**Sponsor:** William Sharer, Pat Woods, Crystal Brantley, Anthony Thornton, Nicholas Paul**Agency Name and Code****Number:** 770-NMCD**Short Title:** Public Safety Changes**Person Writing** Anisa Griego-Quintana**Phone:** 505-382-3541 **Email:** anisa.griego-quinta@cd.nm.gov**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 revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	N/A	N/A

(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 510 amends the Mental Health and Developmental Disabilities Code and the Assisted Outpatient Treatment Act to change the standard for imposing civil commitment or assisted outpatient treatment in New Mexico by redefining “harm to self” and “harm to others.” The new definitions expand the criteria beyond the commission or threat of certain criminal behaviors to include other facets of self-protection.

“Harm to self” means (1) it is more likely than not that in the near future the person will attempt to commit suicide or will cause serious bodily harm to the person’s self by violent or other self-destructive means; or (2) the person's recent behavior demonstrates that the person lacks the capacity to satisfy the person's need for nourishment, personal or medical care, shelter or self-protection and safety and that it is more likely than not that the lack of capacity will result in death, serious bodily injury or serious physical or mental debilitation in the near future if treatment is not ordered; and it is more likely than not that the person will suffer serious physical debilitation in the near future unless adequate treatment is provided pursuant to the Mental Health and Developmental Disabilities Code.

“Harm to others” means that within the recent past, the person has inflicted or attempted to inflict serious bodily harm on another or has acted in such a way as to create a substantial risk of serious bodily harm to another and it is more likely than not that the conduct will be repeated in the near future.

These new definitions would replace the current "likelihood of serious harm to oneself" (meaning it is more likely than not that in the near future the person will attempt to commit suicide or will cause serious bodily harm to the person's self by violent or other self-destructive means, including grave passive neglect) and the "likelihood of serious harm to others" (meaning it is more likely than not that in the near future a person will inflict serious, unjustified bodily harm on another person or commit a criminal sexual offense, as evidenced by behavior causing, attempting or threatening such harm, which behavior gives rise to a reasonable fear of such harm from the person).

FISCAL IMPLICATIONS

The fiscal implication could be significant but are indeterminate at this time.

SIGNIFICANT ISSUES

If Senate Bill 510 is passed, its implications on the NMCD could include:

1. Increased demand for civil commitment evaluations: The expanded definitions of “harm to self” and “harm to others” may increase the number of individuals qualifying for civil commitment or outpatient treatment. This would translate to additional psychiatric evaluations, documentation, and legal proceedings to justify involuntary treatment.

2. Increase in MH resource utilization: NMCD may see increased referrals for mental health care within correctional facilities. More incarcerated individuals might meet the criteria for involuntary psychiatric treatment, requiring enhanced staffing, facility beds, and medication management.

3. Resource allocation enhancement: With the above changes, there is need for increased mental health care needs. Without additional resources, this could strain existing psychiatric and behavioral health services, particularly within facilities already dealing with staff shortages or high caseloads.

The expanded definitions in SB 519 could increase workload, mental health service demands, and legal responsibilities, potentially straining already limited healthcare resources.

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