

<b>LFC Requester:</b>	<b>Henry Jacobs</b>
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## AGENCY BILL ANALYSIS - 2025 SPECIAL SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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}*

<b>Date Prepared:</b> <u>10/1/2025</u>	<i>Check all that apply:</i>
<b>Bill Number:</b> <u>SB2</u>	Original <input checked="" type="checkbox"/> Correction <input type="checkbox"/>
	Amendment <input type="checkbox"/> Substitute <input type="checkbox"/>
 <b>Agency Name and Code</b> <u>AOC 218</u>	
<b>Sponsor:</b> <u>Katy Duhigg</u>	<b>Number:</b> _____
<b>Short Title:</b> <u>An Act Relating to Criminal Competency</u>	<b>Person Writing</b> <u>Adam Leuschel</u>
	<b>Phone:</b> <u>505-699-6451</u> <b>Email</b> <u>aocapl@nmcourts.gov</u>

### **SECTION II: FISCAL IMPACT**

#### **APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0		

(Parenthesis ( ) indicate expenditure decreases)

#### **REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0		

(Parenthesis ( ) indicate revenue decreases)

#### **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	\$0	\$0			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None  
Duplicates/Relates to Appropriation in the General Appropriation Act: None

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: The proposed act amends NMSA 1978, Section 31-9-7, to allow the Metropolitan (“Metro”) Court (a specialized court that exists only in Bernalillo County that hears both municipal ordinance violations along with matters that elsewhere are the jurisdiction of the magistrate courts to retain criminal cases in which competency is raised. The proposed act states that if competency is raised in metro court and the defendant is determined to be not competent to stand trial, the case will be transferred to district court.

There is no appropriation listed in this bill.

This bill will take effect immediately upon passage.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

##### Background

In order for a person accused of a crime to be convicted they must be “competent to stand trial,” meaning that they have sufficient ability to contribute to their own defense. An issue of an accused person’s competency can be raised by any party. When raised, the court orders the person to be evaluated by a mental health professional to determine if they meet the minimum threshold for competency to stand trial. If the issue of competency is raised in a magistrate court, the case is transferred to district court for the competency proceedings, because magistrate courts have limited jurisdiction.

Prior to 2025, competency cases were able to be heard in Metro Court without having to be transferred to the Second Judicial District Court. Metro Court had dedicated competency dockets and held active contracts with competency evaluators. Additionally, Metro Court had a team of pretrial supervision officers solely dedicated to cases where competency had been raised.

##### 2025 Legislative Changes

During the 2025 regular legislative session, the Legislature passed HB8, which amended several statutes related to competency. One of the most significant changes included in HB8 was the requirement for cases in Metro Court to be transferred to district court. Previously, if competency was raised in a case before Metro Court, the case remained in Metro Court throughout the defendant’s competency evaluation and competency determination.

HB8's requirement to transfer cases to district court significantly slowed the competency evaluation process. Metro Court is the busiest court in the entire state and handles a high volume of cases. Metro Court is in Bernalillo County, meaning that it must transfer cases in which competency is raised to the Second Judicial District Court, the busiest district court in the state. Requiring competency cases to transfer to district court adds numerous cases to the Second Judicial District's criminal docket, which results in a slower adjudication of all criminal cases.

The proposed act allows Metro Court to retain cases in which competency is raised, for which Metro Court already has an established process. This alleviates the burden on the Second Judicial District's criminal docket and allows that court to focus its resources on competency evaluations and determinations for pending felony cases. It also allows for swifter adjudication of justice for defendants in which competency is raised and removes the administrative burden on court personnel associated with transferring a high volume of cases.

### **PERFORMANCE IMPLICATIONS**

The following chart shows the total number of cases where competency has been raised in Metro Court by Calendar Year and by Fiscal Year:

<b>CALENDAR YEAR</b>	<b>CY22</b>	<b>CY23</b>	<b>CY24</b>
<b>Felony</b>	<b>299</b>	<b>318</b>	<b>440</b>
<b>Misdemeanor</b>	<b>320</b>	<b>442</b>	<b>661</b>
<b>FISCAL YEAR</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
<b>Felony</b>	<b>289</b>	<b>347</b>	<b>428</b>
<b>Misdemeanor</b>	<b>351</b>	<b>542</b>	<b>708</b>

Since June 20, 2025, Metro Court has had to transfer every case where competency has been raised to the Second Judicial District Court. Transferring cases extends the time needed to close a case, affecting the overall case disposal rate.

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

### **ADMINISTRATIVE IMPLICATIONS**

See "fiscal implications" above.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**