

LFC Requester:

Henry Jacobs

## AGENCY BILL ANALYSIS - 2025 SPECIAL SESSION

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 10/1/2025

*Check all that apply:*

**Bill Number:** 232328.2GLG

Original x      Correction         
Amendment             Substitute       

**Sponsor:** N/A

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Person Writing**

**Analysis:** Julie Ann Meade

**Short Title:** Relating to Criminal  
Competency

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

| Appropriation |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|------|------------------------------|------------------|
| FY25          | FY26 |                              |                  |
|               |      |                              |                  |
|               |      |                              |                  |

(Parenthesis ( ) indicate expenditure decreases)

#### REVENUE (dollars in thousands)

| Estimated Revenue |      |      | Recurring<br>or<br>Nonrecurring | Fund<br>Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY25              | FY26 | FY27 |                                 |                  |
|                   |      |      |                                 |                  |
|                   |      |      |                                 |                  |

(Parenthesis ( ) indicate revenue decreases)

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

|              | FY25 | FY26 | FY27 | 3 Year<br>Total Cost | Recurring<br>or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|---------------------------------|------------------|
| <b>Total</b> |      |      |      |                      |                                 |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

### **BILL SUMMARY**

#### Synopsis:

The potential bill amends NMSA Section 31-9-1(B) to allow metropolitan court to make an initial determination of competency and only if the defendant is found not competent will the case, then be transferred to the district court.

The draft contains an emergency clause.

### **FISCAL IMPLICATIONS**

None for NMDNJ.

### **SIGNIFICANT ISSUES**

None noted.

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

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

None

### **TECHNICAL ISSUES**

None noted

### **OTHER SUBSTANTIVE ISSUES**

This statutory section was amended by HB 8 in the regular 2025 session with the changes becoming effective June 20, 2025. This draft bill reinstates language regarding metropolitan court that existed prior to the amendments in the regular session.

### **ALTERNATIVES**

N/A

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

Returns section to prior status regarding metropolitan court and determination of competency.

### **AMENDMENTS**

N/A