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SENATE BILL 2

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO CRIMINAL COMPETENCY; PROVIDING FOR A METROPOLITAN
COURT TO RETAIN JURISDICTION OF A CASE IN WHICH THE QUESTION OF
A DEFENDANT'S COMPETENCY IS RAISED UNLESS THE METROPOLITAN
COURT DETERMINES THAT THE DEFENDANT IS NOT COMPETENT TO STAND
TRIAL; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-9-1 NMSA 1978 (being Laws 1988,
Chapter 107, Section 1 and Laws 1988, Chapter 108, Section 1,
as amended) is amended to read:

"31-9-1. DETERMINATION OF COMPETENCY--RAISING THE
ISSUE.--

A. When a party or the court raises a question as
to a defendant's competency to stand trial in a criminal case,
the proceeding shall be suspended until the issue is

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1 determined.

2 B. Unless the case is dismissed upon motion of a
3 party or through diversion, if the question of a defendant's
4 competency is raised in a court other than a district court or
5 metropolitan court, the case shall be transferred to the
6 district court; provided that if the question of a defendant's
7 competency is raised in a metropolitan court and the court
8 determines that the defendant is not competent to stand trial,
9 the case shall be transferred to the district court."

10 SECTION 2. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect immediately.

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