

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

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

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

12 "31-9-1. DETERMINATION OF COMPETENCY--RAISING THE  
13 ISSUE.--

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

18 B. Unless the case is dismissed upon motion of a  
19 party or through diversion, if the question of a defendant's  
20 competency is raised in a court other than a district court  
21 or metropolitan court, the case shall be transferred to the  
22 district court; provided that if the question of a  
23 defendant's competency is raised in a metropolitan court and  
24 the court determines that the defendant is not competent to  
25 stand trial, the case shall be transferred to the district

1 court."

2 SECTION 2. EMERGENCY.--It is necessary for the public  
3 peace, health and safety that this act take effect  
4 immediately.\_\_\_\_\_

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