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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 52

SHORT TITLE: Criminal Competency Statute Cross References

SPONSOR: Reeb/Terrazas

LAST ORIGINAL
UPDATE: _____ **DATE:** 02/04/2026 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts/DAs/LOPD	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

- Agency or Agencies Providing Analysis
- Administrative Office of the Courts
- Administrative Office of the District Attorneys
- Law Offices of the Public Defender
- Sentencing Commission
- Adult Parole Board
- Corrections Department

SUMMARY

Synopsis of House Bill 52

House Bill 52 (HB52) proposes amendments to multiple statutory provisions that cross-reference Section 33-2-34, NMSA 1978, which governs earned meritorious deductions for inmates. During the 2025 legislative session, Section 33-2-34 was extensively amended, resulting in the renumbering and relettering of several subsections, including the relocation of the statutory definition of “serious violent offense” from Subsection L to Subsection N and the movement of provisions regarding lump-sum meritorious deductions from Subsection D to Subsection F. Consequently, numerous other statutes containing references to the former structure became outdated or internally inconsistent. HB52 aims to reconcile those discrepancies by revising the affected statutes to align with the updated references.

Specifically, the bill seeks to amend Section 30-7-16, NMSA 1978 (pertaining to the receipt, transportation, or possession of firearms or destructive devices by certain persons) to reference Section 33-2-34(N) in identifying serious violent felons. It also amends Section 31-3-12, NMSA

1978 (concerning access to GPS monitoring data for pretrial releasees) to incorporate the correct cross-reference to the serious violent offense subsection. The bill further proposes corrections to several provisions within the state's criminal competency statutes. These include Section 31-9-1.2, NMSA 1978 (dealing with the initial competency determination and commitment process), Section 31-9-1.4, NMSA 1978 (concerning the adjudication of incompetent defendants), Section 31-9-1.5, NMSA 1978 (regarding evidentiary hearings for criminal commitment), and Section 31-9-1.6, NMSA 1978 (addressing hearings to determine developmental or intellectual disability). All these sections currently reference an outdated subsection of Section 33-2-34 when identifying serious violent offenses, which HB52 would update to correctly refer to Subsection N.

Additionally, HB52 proposes amending Section 31-18-16(G)(3), NMSA 1978 (related to firearm sentence enhancements) to accurately cross-reference the updated subsection defining serious violent offenses. The bill also amends Section 33-2A-3(D)(3), NMSA 1978 (within the Corrections Population Control Act), which defines nonviolent offenders for the purpose of early release eligibility, to reference the current Subsection N. It also makes a minor but important grammatical revision in Section 33-2A-3(D)(2), changing the outdated and gender-specific term “his” to the gender-neutral phrase “the person’s.” Finally, the bill amends Section 33-11-3(C)(3), NMSA 1978 (under the Inmate Literacy Act) to correct its outdated reference to lump-sum meritorious deductions, changing the citation from the former Subsection D to the current Subsection F.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

HB52 does not contain an appropriation and, based on agency responses and analysis of the bill’s content, is not anticipated to result in significant fiscal impacts. The proposed amendments are limited to correcting outdated statutory cross-references resulting from prior renumbering of Section 33-2-34 NMSA 1978 and do not modify the underlying legal requirements or policy framework. Agencies, including the Administrative Office of the Courts, the Law Office of the Public Defender, the Corrections Department, the Adult Parole Board, and the Sentencing Commission, report that implementation of the bill would not require additional resources or staff time beyond standard administrative updates to internal procedures or reference materials. While there may be minimal administrative costs associated with updating internal documents, legal references, and procedural guidance, these costs are expected to be absorbed within existing agency budgets. Several agencies note that courts and legal practitioners already apply the correct statutory interpretation in practice, despite outdated references in law, which may further limit the bill’s operational impact. As such, the bill primarily serves a technical function and is not expected to alter caseloads, staffing levels, or the financial operations of impacted departments.

SIGNIFICANT ISSUES

HB52 highlights the importance of statutory clarity in provisions related to criminal sentencing, parole eligibility, and competency determinations. While the bill does not make substantive legal changes, it affects multiple sections of law that are operationally significant for corrections,

courts, and legal counsel. By updating references to the current structure of Section 33-2-34, NMSA 1978, the bill may improve statutory usability for practitioners and reduce the risk of misinterpretation in proceedings involving the classification of offenses as “serious violent” or “nonviolent.” Several of the amended statutes pertain to pretrial release, criminal competency, and sentence enhancements—areas where accurate legal interpretation can influence judicial outcomes. Though most practitioners are likely familiar with the 2025 amendments that necessitated these changes, aligning the statute's text with current law may improve consistency in court rulings, legal filings, and data reporting. The technical corrections may also support accuracy in downstream uses such as legislative tracking systems, training materials, and statutory compilations.

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