

LFC Requester:**Scott Sanchez****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to 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}***Date Prepared:** 22JAN2025*Check all that apply:***Bill Number:** HB4Original Correction Amendment Substitute **Sponsor:** Rep. Christine Chandler & Rep. Marianna Anaya**Agency Name and Code****Number:**790 – Department of Public Safety**Person Writing**Matt Broom, Deputy Chief**Short Title:** CRIMINAL COMPETENCY EVALUATION**Phone:** 5757601485**Email:** Matthew.broom@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act: Related to 2024 HB233 and SB16, 2024SS SB10

SECTION III: NARRATIVE

BILL SUMMARY

Extensively rewrites sections of the Criminal Code relating to determining criminal competency, creating in the process a complicated flow chart of the actions that a court may take concerning determination, commitment, and treatment. Also expands the crimes for which a defendant may be criminally committed. This bill does not contain an effective date and, if enacted, would go into effect 90 days after the Legislature adjourns.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

Provides for a determination of competency to be made when a “party” or the “court” raises a question as to a defendant’s competency to stand trial in a criminal case. The amendment would no longer place the onus on defense counsel, but allows any party involved in the case and the court to raise competency.

This amendment lists the areas in which findings must be made by the evaluator to deem someone competent or incompetent. This is additional language not previously included in this statute, which is helpful in making the criteria used to evaluate competency more standardized.

The amendment to the statute provides guidance to the court in determining if someone who is found to be incompetent is also dangerous. It also gives the court the ability to order a defendant not found to be dangerous to participate in a community-based competency restoration program for up to 90 days. Existing law provides no option to the court should a defendant be found incompetent and not dangerous besides dismissal.

This amendment provides that the department of health and the district attorney may initiate involuntary commitment proceedings at any time, including after the court dismisses the case against the defendant.

While this amendment does not have a significant impact on DPS directly, it provides a broader ability to initiate and conduct competency evaluations on defendants with pending criminal cases and allows for a greater ability for treatment, which would reduce crimes committed by offenders suffering from untreated mental health issues with cases already pending.

PERFORMANCE IMPLICATIONS No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS –

None.