

LFC Requester: _____

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: January 31, 2025 *Check all that apply:*
Bill Number: SB 166 Original Correction
 Amendment Substitute

Sponsor: Antonio Maestas **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Harm to self and others definitions **Person Writing:** Troy Davis
Phone: 5053858461 **Email:** Davistr@msn.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 166 changes the definition in 43-1-3 dealing with “harm to self and harm to others”. The definitions are more expansive than the original definitions.

FISCAL IMPLICATIONS

There will be more individual that will be available for treatment and more hearing involving civil commitments.

SIGNIFICANT ISSUES

SB 166 provides a broader definitions to help provide individual in the community with more help in getting treatment for mental health issues.

SB 166 definitions remove the standard of proof which use to be a preponderance of the evidence “more likely or not”. Adding more likely than not back in the definition will establish the burden of proof needed. The definitions more narrow, clear, and concise. When it comes to determining whether someone should be committed, least restrictive means should be considered. The definition of “harm to others” is also vague, particularly the “extreme destruction of property”. “Extreme destruction of property” would need to be defined more clearly. A burden in the last section is a “reasonable probability” should be replaced with “more likely than not”.

TECHNICAL ISSUES