

LFC Requester:	Scott Sanchez
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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: 29 Jan 2025 *Check all that apply:*
Bill Number: SB 166 Original Correction
 Amendment Substitute

Sponsor: Senator Antonio Maestas **Agency Name and Code** 790 – Department of Public Safety
Short Title: Definition of Harm to Self and Harm to Others **Number:** _____
Person Writing Carolyn Huynh
Phone: 505-681- **Email:** Carolynn.huynh@dps.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	NFI

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	NFI

(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	NFI

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Essentially identical to 2024 SS SB9
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Amends the Mental Health and Developmental Disabilities Code and the Assisted Outpatient Treatment Act to change the standard for imposing civil commitment or assisted outpatient treatment in New Mexico by redefining “harm to self” and “harm to others.” The new definitions expand the criteria beyond the commission or threat of certain criminal behaviors to include other facets of self-protection.

FISCAL IMPLICATIONS

No fiscal impact on DPS

SIGNIFICANT ISSUES

This bill will have a significant, positive impact on public safety. The existing language of the definitions of “harm to self” and “harm to others” is tailored so narrowly that large numbers of those needing urgent behavioral health services fall through the cracks every day in New Mexico. The existing definition fails to capture those who fit the substantive rationale of the Mental Health and Developmental Disabilities Code, but are not actively, physically harming themselves or others. The updated definitional language expands the safety net for those who are an actual danger to themselves or others, but who fall short of the strictures of the existing definition. By expanding that safety net, the state’s behavioral healthcare system will more effectively provide care to a greater number of those in need, thereby directly addressing the root causes of a very large majority of criminal activity in our communities.

Providing uniform definitions will help ensure consistency in the application of mental health laws across the state, thereby promoting fairness. The updated definitions set a clearer standard that can be applied more uniformly across different courts, facilities, and mental health professionals. Moreover, the clearer definitions provide a framework for ensuring that patients who may pose a danger to themselves or others receive timely, appropriate treatment while minimizing the risk to the community.

The changes in this bill present a balanced, fair, and effective approach to mental health care, ensuring that individuals with mental health conditions are protected and treated in the least restrictive way possible while safeguarding public health and safety.

PERFORMANCE IMPLICATIONS

DPS supports this bill as it will better align the definitional section of the Mental Health and Developmental Disabilities Code with the on-the-ground realities of what our first responders are confronted with, and in so doing, will expand the ability of criminal justice partners and social services providers to provide care to our community’s frequent utilizers of services. The overall social impact of this translates to more of those in need receiving services, which will prevent their further deterioration and thereby improve public safety and community quality of life.

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 at this time.