

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

The Senate Judiciary Committee substitute for SB 510 replaces the original bill with the Senate Judiciary Committee substitute for SB 166. The substitute for SB 166 makes a number of changes to the definitions of “harm to others” and “harm to self” proposed in that bill, as follows:

- In Subsection N, the substitute bill changes the proposed definition of harm to others to:
 - o Refer to the “recent” past, rather than the “relevant” past;
 - o Remove “threatened to inflict serious bodily harm on another” from the list of qualifying behaviors;
 - o Remove “engaged in extreme destruction of property” from the list of qualifying behaviors;
 - o Replace “and that there is a reasonable probability that the conduct will be repeated” with “and it is more likely than not that the conduct will be repeated in the near future”.
- In Subsection O, the substitute bill changes the proposed definition of harm to self to:
 - o Include that “it is more likely than not that in the near future the person will attempt to commit suicide or will cause serious bodily harm to the person’s self by violent or other self-destructive means”;
 - o Replace that “a person is unable, without care, supervision and the continued assistance of others not otherwise available, to exercise self-control, judgment and discretion in the conduct of the person’s daily responsibilities and social relations or to satisfy the person’s need for nourishment, personal or medical care, shelter or self-protection and safety” with the following requirement:
 - “[Recent behavior] demonstrates that the person lacks the capacity to satisfy the person’s need for nourishment, personal or medical care, shelter or self-protection and safety and that it is more likely than not that the lack of capacity will result in death, serious bodily injury or serious physical or mental debilitation in the near future if treatment is not ordered” *and*
 - That the person’s recent behavior also “makes it more likely than not that the person will suffer serious physical debilitation in the near future unless adequate treatment is provided pursuant to the Mental Health and Developmental Disabilities Code”.
 - o Remove that “a showing of behavior that is grossly irrational, actions that the person is unable to control, behavior that is grossly inappropriate to a situation or other evidence of severely impaired insight and judgment creates a prima facie inference that a person is unable to care for the person’s self”.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be

reported in this section.

SIGNIFICANT ISSUES

The Legislative Subcommittee of the New Mexico Sentencing Commission discussed SB 166 at its February 4, 2025 meeting, and voted to not support the bill at that time. The vote was 8 in favor of non-support and 0 opposed to non-support, with 3 members abstaining.

The concerns expressed by the Subcommittee members included that the bill changed the focus of harm to self or others from future behavior to past behavior; that the behaviors described in the proposed definitions of harm to self or others could criminalize poverty, developmental disabilities, homelessness, and people who choose not to live in a shelter; that the bill language does not follow psychiatrist or psychologist ethics for the duty to warn or report; and that the standard for civil commitment should be high.

The changes proposed in this substitute bill change the focus of harm to self or others to be more forward-looking, and remove many of the qualifying behaviors previously listed in the proposed definitions.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS