

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: 01/22/2025 *Check all that apply:*
Bill Number: HB 4 Original Correction
 Amendment Substitute

Sponsor: Christine Chandler **Agency Name and Code Number:** 770-NMCD
Short Title: Criminal Competency Evaluation **Person Writing:** Anisa Griego-Quintana
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	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	0	2363.2	2363.2	4726.4	Recurring	General

(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: House Bill 4 would extensively rewrite the sections of the Criminal Code relating to determining criminal competency, creating in the process a flow chart of the actions the court may take concerning determination, commitment, and treatment. It would also expand the crimes for which a defendant may be criminally committed.

FISCAL IMPLICATIONS

NMCD currently conducts court mandated diagnostic and evaluations. HB4 would likely increase the number of D&E commitments received. We currently receive approximately 200 D&E inmates per year. All though some of these inmates are held at WNMCF, most are held at CNMCF. If these commitments double, then that would be an additional 200 commitments per year. D&E inmates are placed in NMCD custody for 60 days. It costs approx. \$182.77 per day to house an inmate at CNMCF.

$200 * 60 * 182.77 = \$2,193,240.$

Additionally, this increase would likely necessitate the hiring of an additional Behavioral Health Therapist and an additional Behavioral Health Clerk. Approximate pay for a BH Therapist is \$115k annually including salary and benefits, while approximate pay for a BH Clerk is \$55k annually including salary and benefits.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

The proposed community-based competency restoration for a ninety-day period requires that an individual maintain contact/treatment/medication with the end goal of restoring competency for the individual to stand trial for alleged criminal offenses. The bill does not mention NMCD but if community supervision is involved Corrections could be directed to assume these cases. If NMCD is responsible there would be substantial costs associated as additional officers would have to be hired to supervise the individuals who are in the restoration program, current caseloads wouldn't allow the addition of high-risk incompetent individuals who would require intensive programming to attempt to get them back into compliance with medication/treatment and ultimately deemed competent to stand trial.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.