



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY SIXTH COUNCIL**

COUNCIL BILL NO.   M-24-2  

ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Joaquín Baca, Brook Bassan

MEMORIAL

DECLARING SUPPORT FOR PROPOSED STATE LEGISLATION REGARDING CRIMINAL COMPETENCY DETERMINATION (HOUSE BILL 233 AND SENATE BILL 16).

WHEREAS, Comprehensive reforms to the criminal justice system must be responsive to the mental health needs of the community, including the needs of individuals who have been charged with a crime; and

WHEREAS, Under New Mexico's current criminal procedure rules, individuals who are found incompetent to stand trial often have their charges dismissed and are merely given information about mental health services, which they may elect to pursue themselves; and

WHEREAS, Empowering judges, prosecutors, and defense attorneys to refer individuals for mental health evaluations and treatment increases immediate access to mental health resources; and

WHEREAS, These mental health evaluations allow for a comprehensive assessment of an individual's mental well-being, ensuring that underlying mental health issues are identified and addressed appropriately; and

WHEREAS, Treating an individual's underlying mental health issues promotes rehabilitation, addresses the root causes of criminal conduct, and can help reduce recidivism; and

WHEREAS, Two bills, House Bill 233 (HB 233) and Senate Bill 16 (SB 16), have been introduced at the 2024 Legislative Session that aim to address issues related to determining a defendant's competency to stand trial, establish programs for competency restoration, and ensure

the provision of State-funded mental health examinations; and

WHEREAS, HB 233 and SB 16 propose that individuals who are found incompetent are provided access to mental health treatment like drug and/or alcohol treatment, and upon completion of a competency restoration program, charges can be dismissed for misdemeanors and non-violent felonies; and

WHEREAS, Prior to the start of the 2024 Legislative Session, Governor Michelle Lujan-Grisham said, "This bill SB 16 reflects our commitment to a justice system that is fair, compassionate, and responsive to the mental health needs of individuals involved in the legal process. I urge the Legislature to support this important measure for the well-being of our communities."; and

WHEREAS, In a post-Legislative Session press conference, the Governor commented on the recent deadly stabbing of Las Cruces Officer, Jonah Hernandez, stating, "Officer Hernandez was fatally attacked by a repeat offender who, based on the information we all have, had a mental illness, and a drug abuse, substance abuse problem. Individuals need both our help for treatment, but they also need to be in a system that can be accountable in the context of keeping everyone else safe."; and

WHEREAS, The Governor also noted, "We need a tool for folks who are repeat offenders because of these issues - substance abuse, behavioral health, mental health issues - to make sure that they can get the required treatment."; and

WHEREAS, Addressing the mental health needs of individuals charged with a crime is an essential component of criminal justice reform efforts.

BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The Albuquerque City Council supports House Bill 233 and Senate Bill 16.

SECTION 2. The Albuquerque City Council urges the Governor of New Mexico to call a special legislative session to allow the adoption of legislation focused on addressing criminal and civil competency.

SECTION 3. The City Clerk is directed to transmit copies of this Memorial to the City of Albuquerque lobbyist, the City of Albuquerque State Legislative Delegation, the Governor of New Mexico, and the New Mexico Legislature.

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