

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 30, 2025 *Check all that apply:*
Bill Number: SB 196 Original Correction
 Amendment Substitute

Sponsor: Craig W. Brandt **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Rebuttable presumption on pretrial detention **Person Writing:** Troy Davis
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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:

Senate Bill 196 creates a Rebuttable Presumption Against Release the presumption exists that the prosecution has proven, by clear and convincing evidence, that the defendant poses a threat to the safety of others if released pending trial. This applies if there is probable cause that the defendant committed certain serious offenses. Includes serious felonies such as: Murder in the first degree, Human trafficking of a child, Abuse of a child, Sexual exploitation of a child, Serious violent felonies and felonies involving firearms or causing great bodily harm. Other factors for the presumption are committed a new felony offense prompting the detention hearing, was on probation, parole, or under supervision for a related offense and committed an offense within five years of a prior conviction. The burden of proof remains with the prosecution to demonstrate that no release conditions will adequately protect public safety.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

Senate Bill 196 in creating rebuttable presumption against release does shift the burden then what is the purpose of the presumption? If the prosecution shows that a defendant poses a threat to the safety of other and no release conditions will reasonably protect the safety of any other person or the community by clear and convincing evidence then the presumption does not matter. The defendant should be held pending trial. Senate Bill 196 would not help in keeping defendants in custody. By stating the burden is not shifted then the rebuttable presumption does not exist. The Statute does not say how the presumption is rebuttable.

TECHNICAL ISSUES