

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

February 20, 2025

SENATE FLOOR AMENDMENT number 6 to HOUSE JUDICIARY COMMITTEE
SUBSTITUTE FOR HOUSE BILL
8, as amended

Amendment sponsored by Senator

1. On page 2, line 6, after "FENTANYL;", insert "PROVIDING
FACTORS TO BE CONSIDERED IN DETERMINING PRETRIAL RELEASE;".

2. On page 40, between lines 5 and 6, insert:

"SECTION 18. A new section of Chapter 31, Article 3 NMSA 1978
is enacted to read:

"[NEW MATERIAL] FACTORS TO BE CONSIDERED IN DETERMINING
PRETRIAL RELEASE.--In determining if a defendant shall be released
pending trial, whether released on bond, with global positioning
system monitoring or on the defendant's own recognizance, the court
shall consider any available results of a pretrial risk assessment
instrument approved by the supreme court for use in the jurisdiction
and the financial resources of the defendant and shall take into
account, individually and in the collective, the available
information about:

A. the nature and circumstances of the offense charged,
including whether the offense is a crime of violence or involves
alcohol or drugs;

B. the weight of the evidence against the defendant;

C. the nature and seriousness of the danger to any person
or the community that would be posed by the defendant's release;

D. any facts tending to indicate the defendant may or may
not be likely to appear as required;

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E. any facts tending to indicate the defendant may or may not commit new crimes if released; and

F. the history and characteristics of the defendant, including:

(1) the defendant's character, physical and mental condition, family ties, employment, past and present residences, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history and record about appearance at court proceedings; and

(2) whether, at the time of the current offense or arrest, the defendant was on probation, parole or other release pending trial, sentencing or appeal for any offense under federal, state or local law."".

3. Renumber the succeeding sections accordingly.

N. Paul

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____