

1 SENATE BILL 538

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO CRIMINAL PROCEDURE; LIMITING PRETRIAL DETENTION FOR  
12 CERTAIN MISDEMEANORS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] PRETRIAL DETENTION--  
16 LIMITATION.--

17 A. A person accused of the crimes set forth in  
18 Subsection B of this section, or any crime or violation  
19 pursuant to a municipal or county ordinance with a potential  
20 penalty of imprisonment not exceeding ninety days, shall not be  
21 held in custody for more than forty-eight hours pending trial  
22 unless the person:

23 (1) is also charged with a full misdemeanor  
24 not enumerated in Subsection B of this section or a felony  
25 arising from the same incident;

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1 (2) has been properly served two or more valid  
2 bench warrants for a failure to appear in the same case;

3 (3) has outstanding bench warrants in other  
4 cases that are currently pending; or

5 (4) is being validly held on bail in another  
6 case.

7 B. The provisions of this section shall apply to  
8 persons accused of the following crimes:

9 (1) littering pursuant to Section 30-8-4 NMSA  
10 1978;

11 (2) conduct offensive to public well-being  
12 pursuant to Section 30-8-12 NMSA 1978;

13 (3) criminal trespass pursuant to Section  
14 30-14-1 NMSA 1978;

15 (4) wrongful use of public property pursuant  
16 to Section 30-14-4 NMSA 1978;

17 (5) shoplifting pursuant to Paragraph (1) of  
18 Subsection B of Section 30-16-20 NMSA 1978;

19 (6) disorderly conduct pursuant to Section  
20 30-20-1 NMSA 1978;

21 (7) all traffic misdemeanors and petty  
22 misdemeanor violations pursuant to the Motor Vehicle Code;

23 (8) crimes or violations substantially similar  
24 to those set forth in Paragraphs (1) through (7) of this  
25 subsection pursuant to municipal or county ordinance; and

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(9) crimes or violations pursuant to municipal  
or county ordinances with a potential penalty of imprisonment  
not exceeding ninety days.