

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 5

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

AN ACT

RELATING TO PRETRIAL RELEASE; REQUIRING CONTINUOUS ELECTRONIC
LOCATION MONITORING OF CERTAIN DEFENDANTS ON PRETRIAL RELEASE;
REQUIRING COLLECTION AND MAINTENANCE OF ELECTRONIC LOCATION
MONITORING DATA FOR THOSE DEFENDANTS; REQUIRING NOTIFICATION TO
LAW ENFORCEMENT AGENCIES OF VIOLATIONS OF COURT-ORDERED
ELECTRONIC LOCATION MONITORING; REQUIRING AVAILABILITY OF
ELECTRONIC LOCATION MONITORING DATA TO LAW ENFORCEMENT
AGENCIES, DISTRICT ATTORNEYS, PUBLIC DEFENDERS AND THE OFFICE
OF THE ATTORNEY GENERAL; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of Chapter 31, Article 3 NMSA
1978 is enacted to read:

"[NEW MATERIAL] COURT-ORDERED ELECTRONIC LOCATION
MONITORING OF CERTAIN DEFENDANTS ON PRETRIAL RELEASE--

.222615.1

underscoring material = new
[bracketed material] = delete

1 COLLECTION AND MAINTENANCE OF DATA--NOTIFICATION OF
2 VIOLATIONS--DATA AVAILABILITY.--

3 A. When a court orders electronic location
4 monitoring of a defendant charged with a felony as a condition
5 of pretrial release, the electronic location monitoring of the
6 defendant shall be conducted for twenty-four hours per day and
7 seven days per week. The data obtained from the electronic
8 location monitoring shall be collected for the duration of the
9 period for which the monitoring is required and shall be
10 maintained for at least five years.

11 B. An entity conducting electronic location
12 monitoring of a defendant on pretrial release shall immediately
13 notify each law enforcement agency within the jurisdiction of
14 the court of a violation of a requirement for electronic
15 location monitoring, including the defendant's presence in a
16 prohibited location or the disabling of an electronic location
17 monitoring device.

18 C. The electronic location monitoring data
19 maintained pursuant to this section shall be made available,
20 upon request, to a law enforcement agency, a district attorney,
21 a public defender or the office of the attorney general."

22 SECTION 2. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect immediately.