

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: HJR 9 Original Correction
 Amendment Substitute

Sponsor: Alan T. Martinez **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Constitution amendment on pretrial detention **Person Writing:** Troy Davis
Phone: 5053858461 **Email:** Davistr@msn.com

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:

HJR 9 looks to amend the New Mexico Constitution Article 2, Section 13. HJR adds two new factors to be proven by the State: the defendant is not a flight risk or has failed to appear in Court for release.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

HJR 9 strikes "court on the record" but leaves the language of an appeal. A Court of record makes an appeal easier since there is a record of the underlying court's decision and reasons for the decision.

The way HJR 9 is written has another factor for prosecutors to prove by clear and convincing evidence that the defendant is a flight risk or that the defendant has not failed to appear in Court. This will lead to more defendants being released in the community. A murder defendant could be released back into the community because he is not a flight risk or failed to appear in Court even though he is a danger to the community.

TECHNICAL ISSUES