

LFC Requester:	LFC Analyst Felix Chavez
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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: 10FEB2025 *Check all that apply:*
Bill Number: HJR14 Original Correction
 Amendment Substitute

Sponsor:	Representative John Block and Representative Stephanie Lord	Agency Name and Code Number:	790 – Department of Public Safety
Short Title:	Denial of Bail, CA	Person Writing Phone:	Matthew Broom, Deputy Chief 5757601485
		Email:	Matthew.broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	N/A

(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	NFI	NFI	NFI	NFI	NFI	N/A

(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

Proposes to amend Art. 2, Sec. 13 of the State Constitution to remove requirements that only courts of record may deny bail and that only prosecuting authorities may request a hearing to determine whether bail is denied and broaden the legal circumstances under which bail may be denied to provide that: Bail may be denied if, after a hearing, the court finds by clear and convincing evidence that release conditions will not reasonably ensure the appearance of the person as required or protect the safety of any other person or the community.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

The U.S. Constitution and New Mexico's Constitution both emphasize the presumption of innocence until proven guilty. By allowing courts to deny bail for those who are deemed a danger to the community, even before a trial, there is a risk of undermining this fundamental right. While individuals are entitled to a fair trial, denying bail could be seen as a form of punishment before guilt has been established, which could be challenged as a violation of the presumption of innocence.

If courts are allowed to deny bail too easily based on a "danger to the community" standard, there is concern that this could be applied excessively, potentially infringing on defendants' rights to a fair trial. In particular, this could disproportionately affect individuals who may not have committed serious crimes but are deemed a "risk" due to factors like prior criminal history or accusations without a conviction.

The determination of who poses a "clear danger" to the community or law enforcement is highly subjective. While law enforcement may have concerns about officer safety, courts will have to establish clear guidelines for what constitutes a "clear danger." Without careful legal definitions and consistent criteria, there could be inconsistent rulings, leading to potential violations of due process.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

By allowing courts to deny bail when there is clear and convincing evidence that a defendant poses a danger to the community or is a flight risk, this resolution would provide law enforcement with greater tools to protect public safety. Currently, pursuant to Rule 5-409 NMRA, courts can deny bail only for certain serious felony offenses or under specific circumstances, which can leave dangerous individuals out on bail while awaiting trial. Expanding the ability to deny bail ensures that violent offenders or individuals charged with serious crimes do not pose an ongoing risk to the public while they await trial.

With the broadening of bail denial provisions, law enforcement agencies will have a stronger role in ensuring that individuals who could potentially harm others are not released without adequate safeguards. This is particularly important in cases involving violent crimes, repeat offenders, or high-risk individuals who may be more likely to flee or reoffend while on release.

Law enforcement officers often face significant risks when dealing with individuals who have been released on bail and subsequently violate the terms of their release. Allowing courts to deny bail for individuals who present a clear danger to law enforcement or the community aligns with DPS's goal of reducing officer safety risks. When defendants are detained prior to trial, law enforcement officers can more effectively carry out their duties without concerns about apprehending individuals who might be on the run or attempting to harm others.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.