

1 SENATE JOINT RESOLUTION 11  
2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY  
4 Ron Griggs and Greg Nibert  
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10 A JOINT RESOLUTION  
11 PROPOSING TO AMEND ARTICLE 2, SECTION 13 OF THE CONSTITUTION OF  
12 NEW MEXICO TO ALLOW CONDITIONS FOR DENIAL OF BAIL AND FOR  
13 PRETRIAL DETENTION, REMOVE THE REQUIREMENT THAT BAIL DENIAL BE  
14 MADE ONLY BY A COURT OF RECORD AND REMOVE THE LIMITATION OF  
15 BAIL DENIAL TO DEFENDANTS CHARGED WITH A FELONY.  
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17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. It is proposed to amend Article 2, Section 13  
19 of the constitution of New Mexico to read:

20 "A. All persons shall, before conviction, be  
21 bailable by sufficient sureties, except for ~~[capital]~~ offenses  
22 when the proof is evident or the presumption great and in  
23 situations in which bail is specifically prohibited by this  
24 section.

25 B. Excessive bail shall not be required, nor

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underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 excessive fines imposed, nor cruel and unusual punishment  
2 inflicted.

3 C. Bail may be denied [~~by a court of record~~] and a  
4 defendant may be detained pending trial [~~for a defendant~~  
5 ~~charged with a felony~~] if, after the prosecuting authority  
6 requests a hearing, [~~and proves~~] the court finds by clear and  
7 convincing evidence that [~~no~~] a defendant is dangerous and that  
8 release conditions will not reasonably protect the safety of  
9 any other person or the community. An appeal from an order  
10 denying bail shall be given preference over all other matters.

11 D. A person who is not detainable on grounds of  
12 dangerousness nor a flight risk in the absence of bond and is  
13 otherwise eligible for bail shall not be detained solely  
14 because of financial inability to post a money or property  
15 bond.

16 E. A defendant who is neither a danger nor a flight  
17 risk and who has a financial inability to post a money or  
18 property bond may file a motion with the court requesting  
19 relief from the requirement to post bond. The court shall rule  
20 on the motion in an expedited manner."

21 **SECTION 2.** The amendment proposed by this resolution  
22 shall be submitted to the people for their approval or  
23 rejection at the next general election or at any special  
24 election prior to that date that may be called for that  
25 purpose.

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