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SENATE JOINT RESOLUTION 6

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Joseph Cervantes

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 2, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW A COURT TO DENY BAIL FOR A PERSON CHARGED WITH A FELONY IF THE PERSON POSES AN UNREASONABLE RISK TO THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY OR IF THE PERSON IS AN UNREASONABLE FLIGHT RISK.

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

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

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

B. Excessive bail shall not be required, nor

.233229.2

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

3 C. Bail may be denied by a court of record pending
4 trial for a ~~[defendant]~~ person charged with a felony if the
5 prosecuting authority requests a hearing and proves ~~[by clear~~
6 ~~and convincing evidence that no release conditions will~~
7 ~~reasonably protect]~~ that the person poses an unreasonable risk
8 to the safety of any other person or the community or that the
9 person is an unreasonable flight risk. 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]~~ an unreasonable safety risk or an
13 unreasonable flight risk in the absence of bond and is
14 otherwise eligible for bail shall not be detained solely
15 because of the person's financial inability to post a money or
16 property bond. A ~~[defendant]~~ person who is neither ~~[a danger]~~
17 an unreasonable safety risk nor ~~[a]~~ an unreasonable flight risk
18 and who has a financial inability to post a money or property
19 bond may file a motion with the court requesting relief from
20 the requirement to post bond. The court shall rule on the
21 motion in an expedited manner."

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

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underscored material = new
[bracketed material] = delete

1 purpose.

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