HOUSE JOINT RESOLUTION 13

47th Legislature - STATE OF NEW MEXICO - second session, 2006

INTRODUCED BY

Keith J. Gardner

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO TO PROHIBIT BAIL TO PERSONS CHARGED WITH THE MANUFACTURE OF METHAMPHETAMINE.

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:

"All persons shall, before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great and the manufacture of methamphetamine when the proof is evident or the presumption great and in situations in which bail is specifically prohibited by this section. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

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Bail may be denied by the district court for a period of sixty days after the incarceration of the defendant by an order entered within seven days after the incarceration, in the following instances:

the defendant is accused of a felony and has previously been convicted of two or more felonies, within the state, which felonies did not arise from the same transaction or a common transaction with the case at bar;

the defendant is accused of a felony involving the use of a deadly weapon and has a prior felony conviction, within the state. The period for incarceration without bail may be extended by any period of time by which trial is delayed by a motion for a continuance made by or on behalf of the defendant. An appeal from an order denying bail shall be given preference over all other matters."

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

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