

HOUSE JOINT RESOLUTION 26

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO TO ADD A NEW SECTION THAT PROVIDES FOR THE ORGANIZATION, APPOINTMENT PROCEDURES AND STANDARDS FOR AN INDEPENDENT PUBLIC DEFENDER DEPARTMENT.

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

SECTION 1. It is proposed to amend Article 6 of the constitution of New Mexico by adding a new section to read:

"A. A "public defender department" is established as an independent state agency. The chief public defender is the administrative head of the public defender department. The chief public defender shall be an attorney licensed to practice law in New Mexico, or shall be so licensed within one year of appointment. The chief public defender shall be appointed by the public defender commission for a six-year term. The chief

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1 public defender is eligible for reappointment by the public
2 defender commission after review and reconsideration of the
3 chief public defender's record. A vacancy in the office of the
4 chief public defender shall be filled by appointment of the
5 commission.

6 B. The "public defender commission" is established.
7 The public defender commission shall appoint the chief public
8 defender. The public defender commission shall exercise
9 independent oversight of the department and provide guidance to
10 the chief public defender in the administration of the
11 department and the representation of indigent persons. The
12 commission shall not interfere with the discretion or the
13 professional judgment or advocacy of a public defender office,
14 a public defender contractor or assigned counsel in the
15 representation of individual cases.

16 C. The public defender commission shall consist of
17 eleven members. Terms and qualifications of the members of the
18 public defender commission shall be as provided by law.

19 Members of the commission shall be appointed as follows:

- 20 (1) two members appointed by the governor;
21 (2) two members appointed by the chief justice
22 of the supreme court;
23 (3) three members appointed by the dean of the
24 university of New Mexico school of law;
25 (4) two members appointed by the president of

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1 the state bar of New Mexico;

2 (5) one member appointed by the speaker of the
3 house of representatives; and

4 (6) one member appointed by the president pro
5 tempore of the senate."

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