HOUSE BILL 545

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Stephanie Maez

AN ACT

RELATING TO CRIMINAL PROCEDURE; LIMITING PRETRIAL DETENTION FOR
CERTAIN MISDEMEANORS.

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

SECTION 1. [NEW MATERIAL] PRETRIAL DETENTION--
LIMITATION.--

A. A person accused of the crimes set forth in
Subsection B of this section, or any crime or violation
pursuant to a municipal or county ordinance with a potential
penalty of imprisonment not exceeding ninety days, shall not be
held in custody for more than forty-eight hours pending trial
unless the person:

(1) is also charged with a full misdemeanor
not enumerated in Subsection B of this section or a felony
arising from the same incident;

1   (2)   has been properly served two or more valid

2   bench warrants for a failure to appear in the same case;

3   (3)   has outstanding bench warrants in other

4   cases that are currently pending; or

5   (4)   is being validly held on bail in another

6   case.

7   B.   The provisions of this section shall apply to

8   persons accused of the following crimes:

9   (1)   littering pursuant to Section 30-8-4 NMSA

10 1978;

11   (2)   conduct offensive to public well-being

12 pursuant to Section 30-8-12 NMSA 1978;

13   (3)   criminal trespass pursuant to Section

14 30-14-1 NMSA 1978;

15   (4)   wrongful use of public property pursuant

16 to Section 30-14-4 NMSA 1978;

17   (5)   shoplifting pursuant to Paragraph (1) of

18 Subsection B of Section 30-16-20 NMSA 1978;

19   (6)   disorderly conduct pursuant to Section

20 30-20-1 NMSA 1978;

21   (7)   all traffic misdemeanors and petty

22 misdemeanor violations pursuant to the Motor Vehicle Code;

23   (8)   crimes or violations substantially similar

24 to those set forth in Paragraphs (1) through (7) of this

25 subsection pursuant to municipal or county ordinance; and

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1   (9)   crimes or violations pursuant to municipal

2 or county ordinances with a potential penalty of imprisonment

3 not exceeding ninety days.

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