

LFC Requester: Austin Davidson

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 01FEB2024

Bill No: SB 271

Sponsor: Senator Daniel A. Ivey-Soto
Short Repeat Felony Offender No
Title: Bond Hold

**Agency Name
and Code** 790-Department of Public Safety

Number: _____

Person Writing Joan M. Waters

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
N/A	N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

SB 271 would add a section to the Criminal Procedure Act NMSA, 1978 Section 31-1-1 to 31-21-27. The new section would empower the chief clerk of a court (presumably district court) who receives “notice” that a person on pretrial release for a felony is subsequently arrested for a subsequent felony, to issue an order “for the person to remain in custody without bond.” SB 271 would also require that the person remain in custody “until each judge assigned to any previous felony cases holds a hearing to consider modification or revocation of the person’s conditions of release.”

FISCAL IMPLICATIONS

None for DPS.

SIGNIFICANT ISSUES

DPS believes on an operational level this bill could have a significant positive impact on public safety. DPS regularly encounters repeat offenders who have multiple pending felony cases from other agencies and/or DPS arrests the same offender multiple times for felony offenses over a short period of time. These individual offenses are not always violent in nature, but DPS believes any time an individual is regularly committing felony offenses there is a highly elevated level of danger to the community. If a person shows they are unwilling to obey their conditions of release and continue to commit felony offenses while on pre-trial release that appears to clearly show “no release conditions will reasonably protect the safety of any other person or the community.” The types of repeat offenders this bill would apply to are the type DPS regularly identifies as drivers of crime in their communities.

SB 271 could have a possible conflict with Art.2, § 13 of the N.M. Constitution. That section provides that bail may only be denied for a defendant charged with a felony “if the prosecuting authority requests a hearing and proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community”, by removing the prosecutor from the process and adding a presumption of no bail for one charged with a second or subsequent felony while on pretrial release.

DPS believes some minor modifications to the bill could address the possible conflict.

PERFORMANCE IMPLICATIONS

None for DPS.

ADMINISTRATIVE IMPLICATIONS

None for DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 271 possibly conflicts with Art. 2, , § 13 of the N.M. Constitution

TECHNICAL ISSUES

None for DPS

OTHER SUBSTANTIVE ISSUES

None for DPS

ALTERNATIVES

None for DPS

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The status quo.

AMENDMENTS

Not at this time.