

LFC Requester:

Henry Jacobs

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.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}*

**Date Prepared:** 27 January 2026 *Check all that apply:*  
**Bill Number:** HB 163 Original  Correction   
 Amendment  Substitute

**Sponsor:** N. Chavez **Agency Name and Code Number:** New Mexico Sentencing Commission (354)  
**Short Title:** Denial of Bail for Certain Offenses **Person Writing:** Douglas Carver  
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**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26          | FY27 |                           |               |
|               |      |                           |               |
|               |      |                           |               |

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26              | FY27 | FY28 |                           |               |
|                   |      |      |                           |               |
|                   |      |      |                           |               |

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|-------------------|---------------------------|---------------|
| <b>Total</b> |      |      |      |                   |                           |               |

(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**

#### **Synopsis:**

Under HB 163, a long list of crimes would be considered dangerous or violent felony offenses for the purposes of a hearing to deny bail initiated by a prosecuting authority pursuant to Article 2, Section 13 of the constitution (the constitution's bail provision). Fifteen crimes would automatically be considered dangerous or violent felony offenses; 15 more would be considered dangerous or violent felony offenses if the court determines that the underlying allegations or resulting harm are of a dangerous or violent nature.

HB 163 is a companion bill to the constitutional amendment proposed in HJR 2. The bill carries a contingent effective date stating that its provisions shall become effective upon certification by the secretary of state that the constitution of New Mexico has been amended as proposed by HJR 2.

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

### **SIGNIFICANT ISSUES**

Article 2, Section 13 of the New Mexico Constitution was changed substantially in 2016. Every Legislative Session since there have been attempts to unwind those changes, sometimes through statute, sometimes through a new amendment to the state Constitution. This bill presents a new approach, making the bill effective upon the ratification of the paired constitutional provision, and listing the many crimes that would be considered dangerous or violent felony offenses. A problem with this approach is that it creates a second list of what should be considered violent offenses in state law – compare the definition of “serious violent offense” at Section 33-2-34(N)(4) NMSA 1978, the earned meritorious deductions statute, which this statute mirrors mostly, but not completely.

A number of reports have been published in recent years on pretrial release in the state. The New Mexico Statistical Analysis Center (NMSAC) released its report “Bail Reform: Motions for Pretrial Detention and their Outcomes” in August 2021 (available here: <http://isr.unm.edu/reports/2021/bail-reform-motions-for-pretrial-detention-and-their-outcomes.pdf>). The Center for Applied Research and Analysis (CARA) at the University of New Mexico published “The Public Safety Assessment, Preventive Detention, and Rebuttable Presumptions in Bernalillo County” in December 2021 (available here: <https://isr.unm.edu/reports/2021/the-public-safety-assessment-preventive-detention-and-rebuttable-presumptions-in-bernalillo-county.pdf>); CARA also published a Report in Brief for that report, available here: <https://isr.unm.edu/reports/2021/the-public-safety-assessment-preventive-detention,-and-rebuttable-presumptions-in-bernalillo-county-report-in-brief>).

In September 2022, NMSAC released its report “Impact of Bail Reform in Six New Mexico Counties” (available here: <http://isr.unm.edu/reports/2022/impact-of-bail-reform-in-six-new-mexico-counties.pdf>). The purpose of that study was to analyze the impact of bail reform. The report concluded:

Bail reform has successfully decreased the number of people held pretrial and has shortened pretrial detention time overall. The decrease in days detained overall is driven largely by a decrease in time spent detained among those who spend some of, but not the entire, pretrial period in jail. It has also successfully decreased the frequency with which bond is set, both for all cases set at any point during the life of the court case and during the pretrial period among new felony cases. When bonds are set, they are lower on average than they were pre-reform. Finally, days to disposition decreased with bail reform, indicating that pretrial court efficiency may be improving overall, though days to disposition were slightly longer for those detained for the entire pretrial period after the amendment was implemented. However, the reform has coincided with a small increase in new offenses pretrial, including violent new offenses. We also observed a slightly higher rate of failures to appear following the implementation of bail reform, though the vast majority of individuals successfully pass the pretrial period. This varied, though, by county. (p. 49)

In October 2024, CARA release two reports examining this issue for Bernalillo County, “Bernalillo County Second Judicial District Court Preventive Detention Motion Review” (available here: <https://isr.unm.edu/reports/2024/bernalillo-county-second-judicial-district-court-preventive-detention-motion-review.pdf>), and “Evaluating the Costs and Benefits of Pretrial Detention and Release in Bernalillo County” (available here: <https://isr.unm.edu/reports/2024/evaluating-the-costs-and-benefits-of-pretrial-detention-and-release-in-bernalillo-county.pdf>).

For a broader look at bail and crime, in August 2024 the Brennan Center for Justice published their report “Bail Reform and Public Safety: Evidence from 33 Cities”, a comprehensive study that tested whether the bail reforms that have been implemented in jurisdictions across the country were connected to increases in crime rates that were reported in the Covid and post-Covid era. (It is important to recognize that crime rates nationally and in New Mexico are now trending downwards, and have been for some time.) The report “is the first to use data from dozens of jurisdictions nationwide to test bail reform’s causal impact on crime trends.” It found that there was “no statistically significant relationship between bail reform and crime rates. In other words, there is no reason to believe that bail reform has led to increased crime.” (The report is available at: <https://www.brennancenter.org/media/13174/download/bail-reform-public-safety-report.pdf?inline=1>).

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**