

LFC Requester:

Henry Jacobs

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) 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: 01/26/2026

Check all that apply:

Bill Number: HJR 2Original  Correction Amendment  Substitute Sponsor: Nichole Chavez  
Andrea ReebAgency Name  
and CodeNew Mexico Adult Parole Board  
760

Number:

Person Writing

Roberta Cohen

Short

Title:

Denial of Bail, CAPhone: 505-386-6873 :Email Roberta.cohen@apb.n  
m.gov**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: HJR is a proposal to amend New Mexico's Constitution Article II, Section 13 to provide a court with authority to deny bail in felony cases where the person is a flight risk. The court may presume that release conditions will not protect against a person charged with a dangerous or violent felony offense. Allowance is made for the defendant to rebut a court's presumption.

The constitutional amendment would be put before the voters at the next general or special election called for the purpose of:

- a. Determining whether a court of record may deny bail for a person who is a flight risk or is charged with a felony offense in cases where the prosecutor proves that release conditions will not reasonably protect the general public; and
- b. Allowing the legislature to designate which dangerous or violent felony offenses the "court may presume that release conditions will not reasonably protect" the general public and require the court to deny bail unless the person charged with the dangerous or violent felony can rebut the presumption by the preponderance of evidence (in other words, the person charged would have to carry the burden of providing to the court that public could be reasonably protected if released)

#### **FISCAL IMPLICATIONS**

None

#### **SIGNIFICANT ISSUES**

None

#### **PERFORMANCE IMPLICATIONS**

none

#### **ADMINISTRATIVE IMPLICATIONS**

none

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

**none**

#### **TECHNICAL ISSUES**

none

#### **OTHER SUBSTANTIVE ISSUES**

Dangerous and violent felony designation may affect offender classification narratives later reviewed by the Board.

#### **ALTERNATIVES**

None

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

Status Quo

**AMENDMENTS**

None