

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: 2/03/2026 *Check all that apply:*
Bill Number: SJR 6 Original Correction
 Amendment Substitute

Sponsor: <u>Joseph Cervantes</u>	Agency Name and Code Number: <u>Administrative Office of the District Attorneys 264</u>
Short Title: <u>Denial of Bail</u>	Person Writing: <u>Troy J. Davis</u>
Title: _____	Phone: <u>505-385-8461</u> Email: <u>Davistr@msn.com</u>

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
Total						

(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: Senate Joint Resolution 6 seeks to modify the criteria and evidentiary standards for denying bail to individuals charged with a felony. A court of record could deny bail if a person charged with a felony is proven to be an unreasonable risk to the safety of any other person or the community, or if they are an unreasonable flight risk. The resolution proposes removing the requirement for the prosecution to prove by "clear and convincing evidence" that no release conditions will reasonably protect the community. The resolution maintains that individuals who are not considered an unreasonable safety or flight risk cannot be detained solely due to a financial inability to post bond. Persons unable to afford bond who do not pose these risks may file a motion for relief, which the court must rule on in an expedited manner. If passed by the legislature, this amendment will be submitted to New Mexico voters for approval or rejection at the next general election, or a special election called for that purpose

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Would help some of issue surrounding pre-detention issues. The clear and convincing evidence would be replaced by the courts with a preponderance of evidence standard which is a lesser proof than clear and convincing evidence. Replacing the language with preponderance of evidence would be a more effect to the pretrial bail issue instead of leaving the issues for the court to decide.

Change the definition from dangerous to unreasonable safety risk is to vague and the could be interpreted the same way as dangerous.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Would be helpful in addressing the pretrial detention issues.