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SENATE BILL 271

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Joseph Cervantes and Daniel A. Ivey-Soto

AN ACT

RELATING TO CRIMINAL PROCEDURE; REQUIRING THE COURT TO HOLD A PERSON WITHOUT BOND FOR A VIOLATION OF CONDITIONS OF RELEASE UNTIL A HEARING TO CONSIDER MODIFICATION OR REVOCATION OF THOSE CONDITIONS OF RELEASE; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of Chapter 31, Article 3 NMSA 1978 is enacted to read:

"[NEW MATERIAL] NO-BOND HOLD FOR VIOLATION OF CONDITIONS OF RELEASE.--

A. When the chief clerk of a court receives notice that a person on pretrial release for a felony is subsequently arrested for a subsequent felony, the chief clerk of the court shall issue an order for the person to remain in custody without bond.

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B. The person shall 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."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.