NEWS RELEASE

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BAIL REFORM PROPOSAL APPROVED BY LEGISLATURE WITH BIPARTISAN SUPPORT

SANTA FE – A proposed constitutional amendment for reforming pretrial detention in New Mexico has won approval in the Legislature with broad bipartisan support.

The measure will be placed on the November general election ballot for voters to decide.

The proposal, Senate Joint Resolution 1, will give judges the lawful authority to detain dangerous criminal defendants before trial. Judges do not have that power now except in extremely limited instances. The proposed constitutional changes also will ensure that non-dangerous defendants do not remain in jail before trial exclusively because they are unable to afford a money bond.

"Bail should be based on risk, not resources. This amendment gives judges the tools they need to best protect our community," said Sen. Peter Wirth, D-Santa Fe.

House Majority Leader Nate Gentry, R-Albuquerque, said, "If adopted by a majority of voters, the constitutional amendment will make our communities safer by allowing judges to keep violent offenders in jail pending trial. It will also save taxpayers significant amounts of money."

Rep. Antonio "Moe" Maestas, D-Albuquerque, said, "Voters in November will have the opportunity to approve the most significant advancement in pretrial detention policy in state history by making it clear in our state Constitution that jail is for violent people, not poor people."

Rep. David Adkins, R-Albuquerque, said, "This proposal represents a bipartisan compromise that demonstrates the Legislature can work together for criminal justice reform benefiting all New Mexicans."

The measure won final approval on Wednesday when the Senate voted 36-0 to accept a version of the proposal that unanimously passed the House earlier in the week.

The proposal can help lower the costs of county jails. An average of 39 percent of inmates in county jails are eligible for release but have been unable to post bond, according to a survey by the New Mexico Association of Counties, which supports the proposed amendment.

Bernalillo County, the state's largest county, spends an estimated $60,000 a day to house about 500 inmates who have not posted bond.

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