



Administrative Office of the Courts

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Contact: Barry Massey, communications officer

bmassey@nmcourts.gov

505-827-4805

505-470-3436

FEDERAL JUDGE DISMISSES LAWSUIT CHALLENGING BAIL REFORM

SANTA FE – A federal judge has dismissed a lawsuit challenging reforms to New Mexico’s system of pretrial release and detention of criminal defendants.

“The federal court ruling recognizes the lawfulness of New Mexico’s bail reform efforts to better protect public safety and improve the fairness of the state’s pretrial justice system,” said Artie Pepin, director of the Administrative Office of the Courts.

“The commercial bail industry’s lawsuit sought to force our state to go back to a money-based bail system that released dangerous defendants who could buy a bail bond while jailing non-dangerous defendants simply for lack of money,” Pepin said on Tuesday.

U.S. District Judge Robert A. Junell issued the ruling on Monday against a lawsuit brought by the Bail Bond Association of New Mexico, several legislators and an Albuquerque woman who was charged with aggravated assault.

The lawsuit challenged the constitutionality of procedural rules adopted by the Supreme Court in July to govern pretrial release and detention decisions. The court rules carry out a constitutional amendment adopted by voters in 2016, which allows district court judges to lawfully hold felony defendants in jail before trial if they are shown to be too dangerous for release. The amendment also ensures that defendants who are not dangerous or a flight risk cannot be held in jail pretrial solely because they cannot afford a bail bond.

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Editors: The federal court ruling is attached.