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SUPREME COURT ISSUES NEW PROCEDURAL RULES GOVERNING PRETRIAL DETENTION AND RELEASE

SANTA FE—The New Mexico Supreme Court has issued comprehensive procedural rules governing pretrial detention and release in all criminal cases.

The rules are the result of more than two years of study and recommendations by the Court's Ad Hoc Pretrial Release Committee, chaired by former University of New Mexico Law School Dean Leo Romero, and consisting of a broad range of interests, including judges, legislators, prosecutors, defense attorneys, detention officials, and commercial bail industry representatives, as well as input from other local and national sources.

The rules reflect national best practices and provide detailed guidance to judges, prosecutors, and defense lawyers for applying the requirements of the bail reform constitutional amendment unanimously recommended by the New Mexico Senate and House of Representatives and adopted by 87% of New Mexico voters in the November 2016 general election.

Among the key provisions of the new rules to comply with the constitutional mandates are (1) expedited procedures for pretrial detention of clearly dangerous defendants, (2) expedited procedures for assuring that non-dangerous low-risk defendants are not jailed while awaiting trial solely because they cannot buy a bail bond, and (3) expedited reviews in the trial courts and appellate courts of detention and release orders.

The rules require that all release and detention decisions by courts be based on evidence of individual risk posed by defendants, rather than by fixed money bond schedules that do not take into account individual dangerousness or flight risk.

In announcing the issuance of the new rules on Monday, Chief Justice Charles Daniels said, "The Justices of our Court agreed with our committee's view that the old system of basing pretrial release and detention decisions on who could come up with the money to buy his or her way out of jail, instead of on evidence of individual risk of dangerousness or flight, served neither community safety nor constitutional rights of accused citizens. New Mexico, like a growing number of states around the country, has now taken significant steps to address important reforms toward safer and fairer administration of pretrial justice."

The newly approved procedural rules for district, metropolitan, magistrate, municipal and appellate courts can be found on the New Mexico Compilation Commission's [webpage](#).

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