

Bail

NMCDLA believes that:

- After arrest and prior to trial every person accused of a crime should be released without being required to post any bail unless there is clear and convincing evidence to the contrary.
- No one pending trial should ever be held solely because they are unable to post bail.

NMCDLA supports reasonable bail and other conditions of release provided:

- Such conditions are imposed following careful judicial consideration that is based on risk assessment founded in the best practices of the criminal justice system.
- Any bail necessarily required is set at an amount that the accused is financially able to post.
- Any non-monetary conditions are imposed at the absolute least restrictive level that reasonably protects the safety of the community.
- Every community in the state has sufficient resources to provide professional pre-trial supervision that is aimed at aiding the court in risk assessment, and additionally, in helping persons on bail, and other conditions of release, to understand and comply with those conditions.

NMCDLA opposes:

- Bail laws that disproportionately penalize the poor by needlessly extending the time they spend behind bars, filling our jails with individuals who are not an actual public threat or flight risk.
- The unconstitutional practice of setting high bail requirements, especially cash only bonds, that are solely intended to detain the accused pending trial allowing the wealthy to post bail while the ordinary citizen sits in jail awaiting trial.
- The unconstitutional presumption often made that the accused must be held until she or he proves release is warranted.

For further information,
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