

The Legislature
of the
State of New Mexico

50th Legislature, 2nd Session

LAWS 2012

CHAPTER CA 5

HOUSE JOINT RESOLUTION 26, as amended

Introduced by

REPRESENTATIVE ANTONIO "MOE" MAESTAS AND
REPRESENTATIVE GAIL CHASEY AND REPRESENTATIVE RAY BEGAYE



REPRESENTATIVES JONI MARIE GUTIERREZ,
W. KEN MARTINEZ, JAMES ROGER MADALENA,
DANICE PICRAUX, AL PARK,
EDWARD C. SANDOVAL, BEN LUJAN,
BRIAN F. EGOLF, DEBBIE A. RODELLA,
ELISEO LEE ALCON, JOSEPH CERVANTES,
ANTONIO LUJAN, JIM R. TRUJILLO,
ELEANOR CHAVEZ, BILL B. O'NEILL,
ERNEST H. CHAVEZ, MIGUEL P. GARCÍA AND
MARY HELEN GARCÍA

Constitutional Amendment 5

A JOINT RESOLUTION

1
2 PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW
3 MEXICO TO ADD A NEW SECTION THAT PROVIDES FOR THE ORGANIZATION
4 OF AN INDEPENDENT PUBLIC DEFENDER DEPARTMENT.

5
6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. It is proposed to amend Article 6 of the
8 constitution of New Mexico by adding a new section to read:

9 "A. A "public defender department" is established
10 as an independent state agency. The chief public defender is
11 the administrative head of the public defender department.
12 The term and qualifications of the chief public defender shall
13 be as provided by law.


14 B. The "public defender commission" is
15 established. The public defender commission shall appoint the
16 chief public defender. The public defender commission shall
17 exercise independent oversight of the department and provide
18 guidance to the chief public defender in the administration of
19 the department and the representation of indigent persons.
20 The commission shall not interfere with the discretion or the
21 professional judgment or advocacy of a public defender office,
22 a public defender contractor or assigned counsel in the
23 representation of individual cases. Terms, qualifications and
24 membership of the public defender commission shall be as
25 provided by law."

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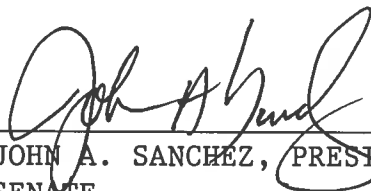
SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.



BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



JOHN A. SANCHEZ, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE