

PD CONSTITUTIONAL AMENDMENT 5 (full text)

HOUSE JOINT RESOLUTION 26

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO TO ADD A NEW SECTION THAT PROVIDES FOR THE ORGANIZATION OF AN INDEPENDENT PUBLIC DEFENDER DEPARTMENT.

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

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

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

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

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.