

New Mexico State Constitution	United States Constitution	Notable NM Difference
<p>Art. II, § 6: Right to Bear Arms No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms.</p>	<p>U.S. Const. amend. II: Right to Bear Arms A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.</p>	<ul style="list-style-type: none"> - The right to bear arms in the NM Constitution is broader than the federal constitution.
<p>Art. II, § 8: Freedom of Elections All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.</p>	<p>No analog in the U.S. Constitution.</p>	<ul style="list-style-type: none"> - The NM Constitution provides a right to freedom of elections that is absent from the federal constitution.
<p>Art. II, § 11: Freedom of Religion Every man shall be free to worship God according to the dictates of his own conscience, and no person shall ever be molested or denied any civil or political right or privilege on account of his religious opinion or mode of religious worship. No person shall be required to attend any place of worship or support any religious sect or denomination; nor shall any preference be given by law to any religious denomination or mode of worship.</p>	<p>U.S. Const. amend. I: Rights to Religion, Speech, Press, Assembly, Petition Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.</p>	<ul style="list-style-type: none"> - The religious rights in the NM Constitution are broader than federal constitution.
<p>Art. II, § 13: Bail, Excessive Fines, Cruel and Unusual Punishment All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great and in situations in which bail is specifically prohibited by this section. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. Bail may be denied by a court of record pending trial for a defendant charged with a felony if the prosecuting authority requests a hearing and proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community. An appeal from an order denying bail shall be given preference over all other matters. A person who is not a danger detainable on grounds of dangerousness nor a flight risk in the absence of bond and is otherwise eligible for bail</p>	<p>U.S. Const. amend. VIII: Protections against Excessive Bail, Cruel and Unusual Punishment Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.</p>	<ul style="list-style-type: none"> - Clause 1 includes the same language as the entirety of the 8th Amendment of the federal constitution, but New Mexico is more specific in its bail, excessive fine and cruel and unusual punishment section than the federal constitution. - Includes a presumption of bail and sets out conditions when it can be denied. - Establishes that those who are not dangerous and do not pose a flight risk cannot be held due to inability to pay a bond.

<p>shall not be detained solely because of financial inability to post a money or property bond. A defendant who is neither a danger nor a flight risk and who has a financial inability to post a money or property bond may file a motion with the court requesting relief from the requirement to post bond. The court shall rule on the motion in an expedited manner.</p>		
<p>Art. II, § 17: Freedom of Speech and Press; Libel Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted.</p>	<p>U.S. Const. amend. I: Rights to Religion, Speech, Press, Assembly, Petition Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.</p>	<ul style="list-style-type: none"> - The free speech rights in the NM Constitution are broader than the federal constitution. - There is no express provision about libel in the federal constitution.
<p>Art. II, § 18: Due Process; Equal Protection; Sex Discrimination No person shall be deprived of life, liberty or property without due process of law; nor shall any person be denied equal protection of the laws. Equality of rights under law shall not be denied on account of the sex of any person. The effective date of this amendment shall be July 1, 1973.</p>	<p>U.S. Const. amend. XIV: Due Process; Equal Protection All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p>	<ul style="list-style-type: none"> - The NM Constitution includes an equal rights amendment for women which bans denial of rights on the basis of sex that is not included in the federal constitution.
<p>Art. II, § 21: Imprisonment for Debt No person shall be imprisoned for debt in any civil action.</p>	<p>No analog in the U.S. Constitution. In 28 U.S.C. § 2007.</p>	<ul style="list-style-type: none"> - The NM Constitution prohibits imprisonment for debt that is absent from the federal constitution.
<p>Art. II, § 24: Victim’s Rights A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration,</p>	<p>No analog in the U.S. Constitution.</p>	<ul style="list-style-type: none"> - The NM Constitution provides rights to victims of crimes that are not included in the federal constitution.

<p>criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:</p> <ol style="list-style-type: none"> (1) the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process; (2) the right to timely disposition of the case; (3) the right to be reasonably protected from the accused throughout the criminal justice process; (4) the right to notification of court proceedings; (5) the right to attend all public court proceedings the accused has the right to attend; (6) the right to confer with the prosecution; (7) the right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused; (8) the right to restitution from the person convicted of the criminal conduct that caused the victim's loss or injury; (9) the right to information about the conviction, sentencing, imprisonment, escape or release of the accused; (10) the right to have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause; and (11) the right to promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property. <p>B. A person accused or convicted of a crime against a victim shall have no standing to object to any failure by any person to comply with the provisions of Subsection A of Section 24 of Article 2 of the constitution of New Mexico.</p> <p>C. The provisions of this amendment shall not take effect until the legislature enacts laws to implement this amendment.</p>		
<p>Art. XII, § 1: Free Public Schools A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.</p>	<p>No analog in the U.S. Constitution.</p>	<p>- The NM Constitution requires public school education for all children in New Mexico and there is no similar provision in the federal constitution.</p>