

## Reform to Expand Crimes with Mandatory Pretrial Detention

On November 27, 2024, the Senate passed a constitutional reform with a qualified majority to expand the list of crimes eligible for mandatory pretrial detention.<sup>1</sup> Originally proposed by former President López Obrador on February 5, 2024, the initiative had already been approved by the Chamber of Deputies.

The reform modifies Article 19 of the Mexican Constitution to include mandatory pretrial detention for crimes such as extortion, smuggling, and activities involving the illegal handling of chemical precursors and synthetic drugs, like fentanyl. It also covers activities related to the use of false tax invoices.

Regarding crimes involving chemical precursors, the reform penalizes acts such as diverting or using these substances to produce synthetic drugs; possessing precursors, essential chemicals, or machinery for making capsules, tablets, or pills without proper authorization; and importing, exporting, or transporting these substances via courier services, among other activities. These offenses are defined under the *Federal Law for the Control of Chemical Precursors, Essential Chemicals, and Machines for Making Capsules, Tablets, and Pills*.

Additionally, the *Federal Tax Code* imposes imprisonment on individuals who, directly or indirectly, issue, sell, buy, or acquire tax invoices covering non-existent, false, or simulated transactions.

The legislative debate, lasting six and a half hours, revealed sharp divisions. Lawmakers from Morena, the Green Party (*PVEM*), and the Labor Party (*PT*) emphasized that the reform aims to protect citizens from increasingly prevalent crimes, highlighting the fight against false tax invoices as a national priority. Conversely, *PAN*, *PRI*, and *Movimiento Ciudadano* argued that mandatory pretrial detention infringes on human rights.

The reform requires approval from at least 17 states to come into effect. Once the legislative process is completed, the Federal Congress will have 180 days from the decree's enactment to adapt and harmonize federal laws. State legislatures will have up to 365 days from the decree's publication to make necessary adjustments, ensuring uniform implementation nationwide.

### Sources:

1. Press Release 481, Senate, November 28, 2024.
2. Bulletin No. 0362, Chamber of Deputies, November 13, 2024.
3. Draft Decree Amending the Second Paragraph of Article 19 of the Mexican Constitution on Mandatory Pretrial Detention (CD-LXVI-I-1P-013).
4. Senate Session, November 27, 2024, YouTube.
5. Chamber of Deputies Ordinary Session, November 13, 2024, YouTube.

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<sup>1</sup> Mandatory pretrial detention in Mexico is a precautionary measure that allows a person to be jailed automatically (without the need to prove the necessity of detention) while they are being investigated for certain serious crimes.

For any questions or additional information, please contact our White Collar experts:

**Diego Sierra**, Partner:

+52 (55) 5258 1039 | [dsierra@vwys.com.mx](mailto:dsierra@vwys.com.mx)

**Enrique Riquelme**, Counsel:

+52 (55) 5258 1039 | [eriquelme@vwys.com.mx](mailto:eriquelme@vwys.com.mx)

**Ricardo Cacho**, Counsel:

+52 (55) 5258 1000 | [rcacho@vwys.com.mx](mailto:rcacho@vwys.com.mx)

S I N C E R E L Y

VON WOBESER Y SIERRA, S.C.

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VON WOBESER Y SIERRA, S.C.

Paseo de los Tamarindos 60, 05120 Mexico City

+52 (55) 5258 1000

[vonwobeser.com](http://vonwobeser.com)