



The Legislature
of the
State of New Mexico

48th Legislature, 2nd Session

LAWS 2008

CHAPTER _____

HOUSE JOINT MEMORIAL 22

Introduced by

REPRESENTATIVE THOMAS E. SWISSTACK

REPRESENTATIVE RICK MIERA



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A JOINT MEMORIAL

REQUESTING A LEGISLATIVE STUDY OF CURRENT NEW MEXICO LAW
RELATING TO MANAGING COUNTY JAIL OVERCROWDING.

WHEREAS, New Mexico county jails are seriously
overcrowded; and

WHEREAS, New Mexico county taxpayers struggle to meet
the costs of compliance with federal constitutional standards
for confinement of inmates; and

WHEREAS, in 2007, New Mexico county taxpayers spent well
over one hundred fifty million dollars (\$150,000,000) to
house, transport, feed and provide medical care to
approximately seven thousand inmates in county jails; and

WHEREAS, detention costs comprise approximately one-
fourth of county general fund budgets; and

WHEREAS, county taxpayers pay approximately thirty
million dollars (\$30,000,000) per year to house state
prisoners in county jails; and

WHEREAS, county governments are facing increased
litigation costs due to unsafe conditions created by jail
overcrowding; and

WHEREAS, approximately one-half of all inmates housed in
county jails were arrested within municipal boundaries by
municipal officers but became county inmates because they were
charged with crimes under state law and, therefore,

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1 municipalities pay counties only a small fraction of costs for
2 the inmates; and

3 WHEREAS, most inmates held in county jails spent almost
4 seven and one-half months, or two hundred twenty-four days, in
5 jail; and

6 WHEREAS, after sentencing, an average jail inmate spends
7 another nineteen days in jail before being transported to
8 prison; and

9 WHEREAS, New Mexico state laws establishing county jails
10 were originally adopted in 1865 and 1866, when costs to
11 maintain jails were minimal and each county jail contained
12 only a few cells and was operated by the county sheriff; and

13 WHEREAS, New Mexico statutes currently provide no
14 authority to boards of county commissioners to set policy to
15 manage effectively county jail populations, even when the
16 facilities become overcrowded and unsafe; and

17 WHEREAS, the New Mexico legislature, through the
18 Corrections Population Control Act, has given authority to the
19 secretary of corrections to address overcrowding issues in
20 state prisons by allowing for early release of nonviolent
21 offenders if the inmate population exceeds one hundred percent
22 of the facility's rated capacity for a period of sixty
23 consecutive days;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that it recognize the lack of statutory

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1 authority provided to county governments to manage effectively
2 county jail populations; and

3 BE IT FURTHER RESOLVED that the state of New Mexico
4 direct the interim legislative committee that studies
5 corrections issues, in collaboration with the New Mexico
6 association of counties, to study current law relating to jail
7 operations, report its findings and make recommendations for
8 legislation prior to the first session of the forty-ninth
9 legislature; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the governor, the co-chairs of the New Mexico
12 legislative council and the New Mexico association of
13 counties.

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S/ BEN LUJAN
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ DIANE D. DENISH
DIANE D. DENISH, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE