

1 SENATE BILL 291

2 55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO CORRECTIONAL INSTITUTIONS; REQUIRING INSPECTIONS OF  
12 PRIVATELY OPERATED CORRECTIONAL FACILITIES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 33-15-1 NMSA 1978 (being Laws 2001,  
16 Chapter 169, Section 1) is amended to read:

17 "33-15-1. SHORT TITLE.--~~[This act]~~ Chapter 33, Article 15  
18 NMSA 1978 may be cited as the "Privately Operated Correctional  
19 Facilities Oversight Act"."

20 SECTION 2. A new section of the Privately Operated  
21 Correctional Facilities Oversight Act is enacted to read:

22 "[NEW MATERIAL] INSPECTION OF PRIVATELY OPERATED  
23 CORRECTIONAL FACILITIES--REPORTING--CORRECTIVE ACTION.--

24 A. Each privately operated correctional facility is  
25 subject to inspection pursuant to this section, in addition to

.219142.2

underscoring material = new  
[bracketed material] = delete

1 any other inspection required by law, at least once every three  
2 years and without prior notice. An inspection shall be  
3 performed by an inspector who is designated by the attorney  
4 general and who holds a bachelor's degree in criminology. The  
5 inspector may inspect all reports, audits, records and  
6 complaints concerning the privately operated correctional  
7 facility. Upon presenting appropriate credentials to the  
8 owner, operator or agent in charge, the inspector may enter and  
9 inspect the privately operated correctional facility and  
10 privately interview the staff and inmates. The privately  
11 operated correctional facility shall pay the cost of an  
12 inspection to the attorney general's office. An inspection  
13 shall include:

14 (1) a review of any reports, audits, records  
15 or complaints concerning the privately operated correctional  
16 facility; and

17 (2) on-site inspections of the facility.

18 B. The inspector shall provide a report of each  
19 inspection to the attorney general, the secretary and the  
20 privately operated correctional facility that is the subject of  
21 the inspection no later than thirty days after the completion  
22 of an inspection. The attorney general and the privately  
23 operated correctional facility that is the subject of the  
24 inspection shall post the reports with any confidential  
25 information redacted on their public websites within thirty

1 days of receiving the report. An inspection report shall  
2 include:

3 (1) information gathered from private and  
4 confidential interviews with inmates and staff of the privately  
5 operated correctional facility;

6 (2) an evaluation of the availability and  
7 accessibility of medical and mental health services;

8 (3) an evaluation of whether the privately  
9 operated correctional facility is meeting its contractual  
10 requirements;

11 (4) key demographic information concerning  
12 inmates as determined by the inspector;

13 (5) other considerations as determined by the  
14 inspector if the privately operated correctional facility  
15 houses children;

16 (6) an evaluation of the systems of inmate  
17 isolation, discipline, classification, retaliation and  
18 management; and

19 (7) an evaluation of the adequacy of the  
20 training of staff, administrators and wardens.

21 C. Within thirty days after the completion of the  
22 inspection report, the inspector shall make a determination as  
23 to whether corrective action is necessary. Upon a  
24 determination that corrective action is necessary, an inspector  
25 shall issue a corrective action plan to the privately operated

.219142.2

