

1 SENATE JOINT MEMORIAL 5

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,**
3 **2000**

4 INTRODUCED BY

5 Michael S. Sanchez
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9 FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE
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11 A JOINT MEMORIAL

12 REQUESTING THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE
13 COMMITTEE TO STUDY ISSUES SURROUNDING DETENTION COSTS THAT
14 RESULT WHEN PERSONS COMMIT CRIMES THAT COULD BE CHARGED UNDER
15 EITHER MUNICIPAL ORDINANCE OR STATE LAW.
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18 WHEREAS, an increasing number of law enforcement
19 officers are charging violators under state statutes rather
20 than municipal ordinances when crimes are committed within
21 municipal boundaries; and

22 WHEREAS, by filing in magistrate court under state
23 statutes rather than filing in municipal court under
24 municipal ordinances, the counties must pay the costs of
25 housing the inmates; and

WHEREAS, there are different practices around the state
concerning when more serious offenders enter the state
judicial system and become the financial responsibility of

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1 the county, and, too often, counties must bear a
2 disproportionate share of detention costs generated by law
3 enforcement activities within the jurisdictional boundaries
4 of the municipalities;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that the courts, corrections and criminal
7 justice committee be requested to study the issues
8 surrounding detention costs and responsibilities that result
9 when persons commit crimes that could be charged under either
10 municipal ordinance or state law; and

11 BE IT FURTHER RESOLVED that the committee be requested
12 to develop a recommendation to the first session of the
13 forty-fifth legislature for an equitable statewide system
14 that standardizes and defines when a prisoner is a county or
15 municipal responsibility; and

16 BE IT FURTHER RESOLVED that the committee seek the
17 participation and assistance of the New Mexico association of
18 counties and New Mexico municipal league in the study and
19 recommendations; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the New Mexico legislative council, the New
22 Mexico association of counties and the New Mexico municipal
23 league.