

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 545

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO CORRECTIONS; PROVIDING INMATE PLACEMENT CRITERIA;
LIMITING OUT-OF-STATE PLACEMENT FOR NATIVE AMERICAN INMATES.

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

Section 1. INMATE PLACEMENT CRITERIA-- ASSIGNMENT OF
NATIVE AMERICAN INMATES. --

A. In determining the appropriate placement of an inmate within a correctional facility in New Mexico, the cultural needs of the inmate and the location of the inmate's family or other social or cultural support system shall be taken into consideration.

B. A Native American who is an inmate in a correctional facility in New Mexico shall not be transferred to a correctional facility outside New Mexico unless:

- (1) the director of the adult institutions

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 division of the corrections department finds, taking into
2 consideration all criteria for determining the appropriate
3 correctional facility for the assignment of an inmate, there is
4 no suitable correctional facility available in New Mexico for
5 the placement of the Native American inmate; or

6 (2) the Native American inmate voluntarily
7 consents to placement in a correctional facility outside New
8 Mexico.

9 C. As used in this section:

10 (1) "correctional facility" includes a
11 privately owned or operated correctional facility; and

12 (2) "Native American" means any person who is
13 descended from or is a member of an American Indian nation,
14 tribe or pueblo or is a native Hawaiian or Alaskan native.

15 - 2 -

16
17
18
19
20
21
22
23
24
25