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AN ACT
RELATING TO CORRECTIONS; CLARIFYING THE DURATION OF CONTRACTS
FOR THE OPERATION OF A JAIL OR THE INCARCERATION OF
PRISONERS.

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

Section 1. Section 33-3-27 NMSA 1978 (being Laws 1984,
Chapter 22, Section 18, as amended) is amended to read:

"33-3-27. JAIL AGREEMENTS--APPROVAL--LIABILITY--
TERMINATION--VENUE.--

A. Agreements with a private independent
contractor for the operation of a jail or for the
incarceration of prisoners shall be made for a period of up
to five years, but those agreements may allow for additional
one-year or two-year extensions not to exceed a total of five
extensions. Agreements binding on future governing bodies
for construction, purchase or lease of a jail facility for
not more than fifteen years are authorized.

B. All agreements with private independent
contractors for the operation or provision and operation of
jails shall include a performance bond and be approved in
writing, prior to their becoming effective, by the local
government division of the department of finance and
administration and the office of the attorney general.

Disapproval may be based on any reasonable grounds, including

1 adequacy or appropriateness of the proposed plan or
2 standards; suitability or qualifications of the proposed
3 contractor or the contractor's employees; absence of required
4 or desirable contract provisions; unavailability of funds; or
5 any other reasonable grounds. No agreement shall be valid or
6 enforceable without prior approval.

7 C. All agreements with private independent
8 contractors for the operation or provision and operation of
9 jails shall provide for the independent contractor to provide
10 and pay for training for jailers to meet minimum training
11 standards, which shall be specified in the contract.

12 D. All agreements with private independent
13 contractors for the operation or provision and operation of
14 jails shall set forth comprehensive standards for conditions
15 of incarceration, either by setting them forth in full as
16 part of the contract or by reference to known and respected
17 compilations of those standards.

18 E. All agreements with private independent
19 contractors for the operation or provision and operation of
20 jails shall be approved in writing, prior to their becoming
21 effective, by the risk management division of the general
22 services department. Approval shall be conditioned upon
23 contractual arrangements satisfactory to the risk management
24 division for:

25 (1) the contractor's assumption of all

1 liability caused by or arising out of all aspects of the
2 provision and operation of the jail; and

3 (2) liability insurance covering the
4 contractor and its officers, jailers, employees and agents in
5 an amount sufficient to cover all liability caused by or
6 arising out of all aspects of the provision and operation of
7 the jail. A copy of the proposed insurance policy for the
8 first year shall be submitted for approval with the contract.

9 F. All agreements with private independent
10 contractors for the operation or provision and operation of
11 jails shall provide for termination for cause by the local
12 public body parties upon ninety days' notice to the
13 independent contractor. A termination shall be allowed for
14 at least the following reasons:

15 (1) failure of the independent contractor to
16 meet minimum standards and conditions of incarceration, which
17 standards and conditions shall be specified in the contract;
18 or

19 (2) failure to meet other contract
20 provisions when the failure seriously affects the operation
21 of the jail.

22 The reasons for termination set forth in this subsection
23 are not exclusive and may be supplemented by the parties.

24 G. Venue for the enforcement of any agreement
25 entered into pursuant to the provisions of this section shall

1 be in the district court of the county in which the facility
2 is located or in Santa Fe county." _____

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