

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,

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

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

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

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

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

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

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

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

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

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