1	HOUSE JOINT MEMORIAL 22
2	48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008
3	INTRODUCED BY
4	Thomas E. Swisstack
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10	A JOINT MEMORIAL
11	REQUESTING A LEGISLATIVE STUDY OF CURRENT NEW MEXICO LAW
12	RELATING TO MANAGING COUNTY JAIL OVERCROWDING.
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14	WHEREAS, New Mexico county jails are seriously
15	overcrowded; and
16	WHEREAS, New Mexico county taxpayers struggle to meet the
17	costs of compliance with federal constitutional standards for
18	confinement of inmates; and
19	WHEREAS, in 2007, New Mexico county taxpayers spent well
20	over one hundred fifty million dollars (\$150,000,000) to house,
21	transport, feed and provide medical care to approximately seven
22	thousand inmates in county jails; and
23	WHEREAS, detention costs comprise approximately one-fourth
24	of county general fund budgets; and
25	WHEREAS, county taxpayers pay approximately thirty million
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WHEREAS, county governments are facing increased litigation costs due to unsafe conditions created by jail overcrowding; and

6 WHEREAS, approximately one-half of all inmates housed in
7 county jails were arrested within municipal boundaries by
8 municipal officers but became county inmates because they were
9 charged with crimes under state law and, therefore,
10 municipalities pay counties only a small fraction of costs for
11 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

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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.

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