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HOUSE BILL 642

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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AN ACT

RELATING TO CORRECTIONS; AUTHORIZING THE OFFICE OF THE ATTORNEY
GENERAL TO CONDUCT INDEPENDENT OVERSIGHT OF ALL ADULT AND
JUVENILE FACILITIES; AUTHORIZING UNFETTERED CONFIDENTIAL ACCESS
TO THE FACILITIES; REQUIRING SUBMISSION OF REPORTS AND FINDINGS
TO THE LEGISLATURE; MAKING AN APPROPRIATION.

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

Section 1. A new section of Chapter 8, Article 5 NMSA
1978 is enacted to read:

"[NEW MATERIAL] CORRECTIONAL FACILITY OVERSIGHT.--

A. The office of the attorney general shall provide
independent oversight of all adult and juvenile correctional
facilities in the state. The oversight shall include:

(1) conducting regular and routine inspections
of all facilities;

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1 (2) investigating and issuing reports on
2 problems found at one or more of the facilities; and

3 (3) monitoring the treatment of prisoners in
4 order to provide accountability for past problems and to
5 prevent future problems.

6 B. The office of the attorney general shall have
7 unfettered and confidential access to all facilities,
8 prisoners, staff, documents and materials and shall be allowed
9 to visit any part of a facility at any time without prior
10 notice.

11 C. The office of the attorney general shall take a
12 broad and inclusive approach to evaluating the treatment of
13 prisoners, including relying on observations, interviews,
14 surveys and other methods of gathering information as well as
15 on statistics and performance-based measures.

16 D. The corrections department, the children, youth
17 and families department and local governments shall fully
18 cooperate with the office of the attorney general and respond
19 promptly and publicly to its reports and findings.

20 E. The office of the attorney general shall present
21 its reports and findings to the legislature or to an
22 appropriate legislative committee on a regular basis.

23 F. As used in this section, "facilities" means
24 adult correctional facilities, adult and juvenile detention
25 centers and local jails, regardless of whether they are

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publicly or privately operated."

Section 2. APPROPRIATION.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the office of the attorney general for expenditure in fiscal year 2010 for salaries and benefits, furniture, supplies and equipment for additional staff and to provide training in the oversight, monitoring and investigation of adult and juvenile correctional facilities, detention centers and local jails. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the general fund.

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