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FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/10

SPONSOR Chasey LAST UPDATED _____ HM 47

SHORT TITLE Correctional Facility Oversight Task Force SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	No Appropriation		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

House Memorial 47 requests the attorney general to continue the task force work studying the feasibility and effectiveness of forming an independent entity to oversee the status and conditions of New Mexico correctional facilities and develop a long-term plan for creating an independent oversight entity that would implement and recommend sources of revenue to support that entity.

SIGNIFICANT ISSUES

NMCD continues to have numerous substantive comments and objections to any memorial or bill considering or mandating oversight over NMCD's publicly and privately operated prisons. The agency points out that it already is subject to oversight by the following organizations.

- The American Correctional Association (ACA) utilizes independent audit teams to audit NMCD prisons on a broad spectrum of standards.
- The National Commission on Correctional Health Care (NCCHC). NCCHC sets national standards regarding the effective provision of inmate medical and mental health care.
- The Legislative Finance Committee (LFC) has the statutory authority to audit or oversee the operation and management of NMCD as well as all other state agencies.
- The Courts, Corrections and Criminal Justice interim legislative committee (CCCJC) provides oversight to NMCD's prisons.

- NMCD is also subject to oversight from several other independent public entities, including the Department of Health (regarding kitchen food temperature, food service standards, etc.), the State Auditor (who conducts yearly audits of financial transactions, including accounting, accounts payable, purchasing and budget), the State Fire Marshall (who inspects all prisons for compliance with all promulgated fire safety regulations), and the State Personnel Office (whose Quality Assurance Audit Team helps ensure NMCD’s compliance with all SPO rules and regulations).
- The New Mexico judiciary (who hears and rules on lawsuits filed by inmates under New Mexico and federal law challenging their conditions of confinement), the surviving provisions of the Duran Consent Decree (which prohibits NMCD from double-celling inmates in its older prisons, and prohibits any inmate from being housed in a dayroom for more than 120 consecutive days), and the Inspection of Public Records Act.
- Pursuant to the Prison Rape Elimination Act, the federal government has promulgated a substantive and exhaustive set of standards that NMCD will ultimately have to comply with in order to avoid losing certain federal funding.
- NMCD must respond to inmate or prison-related recommendations made by the Sex Offender Management Board, the New Mexico Sentencing Commission, the Sentencing Commission sentencing reform committee, and the Sentencing Commission legislative committee.
- The Governor’s Prison Reform Task Force has made numerous recommendations aimed at reducing NMCD prisoner recidivism rates by creating and improving programs and services provided before, during and after incarceration.

ALTERNATIVES

NMCD suggests funding the Prison Reform Task Force’s recommended services and programs.

EO/mt