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HOUSE BILL 55

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO VICTIM NOTIFICATION; ALLOWING A FEE ON
TELECOMMUNICATIONS SERVICES PROVIDED TO INMATES IN CORRECTIONAL
FACILITIES AND JAILS; CREATING THE VICTIM NOTIFICATION FUND;
MAKING AN APPROPRIATION.

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

SECTION 1. Section 33-14-1 NMSA 1978 (being Laws 2001,
Chapter 33, Section 1 and Laws 2001, Chapter 115, Section 1) is
amended to read:

"33-14-1. CONTRACT TO PROVIDE INMATES WITH ACCESS TO
TELECOMMUNICATIONS SERVICES IN A CORRECTIONAL FACILITY OR
JAIL--CONDITIONS.--

A. A contract to provide inmates with access to
telecommunications services in a correctional facility or jail
shall be negotiated and awarded to an entity that meets the

.183944.1

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underscoring material = new
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1 correctional facility's or jail's technical and functional
2 requirements for services and that provides the lowest cost of
3 service to inmates or any person who pays for inmate
4 [~~telecommunication~~] telecommunications services.

5 B. A contract to provide inmates with access to
6 telecommunications services in a correctional facility or jail
7 shall not include a commission or other payment to the operator
8 of the correctional facility or jail based upon amounts billed
9 by the telecommunications provider for telephone calls made by
10 inmates in the correctional facility or jail.

11 C. A contract to provide inmates with access to
12 telecommunications services in a correctional facility or jail
13 may include a victim notification fee of no more than three
14 cents (\$.03) per minute or thirty-five cents (\$.35) per
15 telephone call. The victim notification fee shall be in
16 addition to any rate limit that may be imposed by the public
17 regulation commission. The fee shall be collected by the
18 telecommunications services provider and transmitted on a
19 monthly basis to the state treasurer for credit to the victim
20 notification fund.

21 [~~G.~~] D. As used in this section:

22 (1) "correctional facility" means a state
23 correctional facility or a privately operated correctional
24 facility; and

25 (2) "jail" means a county jail, a municipal

underscored material = new
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1 jail or a privately operated jail."

2 SECTION 2. [NEW MATERIAL] VICTIM NOTIFICATION FUND--
3 CREATED--PURPOSE.--

4 A. The "victim notification fund" is created in the
5 state treasury to be administered by the administrative office
6 of the district attorneys. The fund consists of victim
7 notification fees collected pursuant to Section 33-14-1 NMSA
8 1978 and any gifts, appropriations, grants and donations.
9 Earnings of the fund shall be credited to the fund. Unexpended
10 or unencumbered balances remaining at the end of any fiscal
11 year shall not revert to any other fund.

12 B. Money in the victim notification fund is subject
13 to appropriation to the administrative office of the district
14 attorneys to pay ongoing fees to operate a statewide automated
15 victim notification system, known as victim information and
16 notification everyday.

17 C. Payments from the victim notification fund shall
18 be made upon vouchers issued and signed by the director of the
19 administrative office of the district attorneys upon warrants
20 drawn by the secretary of finance and administration.

21 SECTION 3. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2011.

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