

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 55

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

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

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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 thirty-
14 five cents (\$.35) per telephone call. The victim notification
15 fee shall be in addition to any other fees provided in the
16 telecommunications services contract. The fee shall be
17 collected by the telecommunications services provider and
18 transmitted on a monthly basis to the state treasurer for
19 credit to the victim notification fund. Contracts entered into
20 pursuant to this subsection, including contracts concerning the
21 administration of the victim notification fund, shall not be
22 subject to the jurisdiction of the public regulation
23 commission. No calls between inmates and their counsel shall
24 be subject to the provisions of this subsection.

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

1 (1) "correctional facility" means a state
2 correctional facility or a privately operated correctional
3 facility; and

4 (2) "jail" means a county jail, a municipal
5 jail or a privately operated jail."

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

8 A. The "victim notification fund" is created in the
9 state treasury to be administered by the administrative office
10 of the district attorneys. The fund consists of victim
11 notification fees collected pursuant to Section 33-14-1 NMSA
12 1978 and any gifts, appropriations, grants and donations.
13 Earnings of the fund shall be credited to the fund. Unexpended
14 or unencumbered balances remaining at the end of any fiscal
15 year shall not revert to any other fund.

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

21 C. Payments from the victim notification fund shall
22 be made upon vouchers issued and signed by the director of the
23 administrative office of the district attorneys upon warrants
24 drawn by the secretary of finance and administration.

25 SECTION 3. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2011.

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