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SENATE BILL 789

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LEONARD TSOSIE

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE AND
THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO CORRECTIONS; PROVIDING FOR JAIL STANDARDS AND
CERTIFICATION FOR ADULT JAILS; PROVIDING FOR JAILER TRAINING AND
TECHNICAL ASSISTANCE; CREATING A FUND; REPEALING AND ENACTING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 33-3-4 NMSA 1978 (being Laws 1865-1866,
Chapter 19, Section 3, as amended) is repealed and a new Section
33-3-4 NMSA 1978 is enacted to read:

"33-3-4. [NEW MATERIAL] JAIL STANDARDS--CERTIFICATION--
TRAINING--TECHNICAL ASSISTANCE. --

A. The local government division of the department
of finance and administration shall develop jail standards and
jailer training curricula and implement a certification process
for all adult jails in New Mexico. Jail standards shall include

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1 standards for site, design, construction, equipment, care,
2 programs, personnel and clinical services. Jailer training
3 curricula shall include training jail personnel to use
4 standardized screening criteria during intake of prisoners to
5 identify persons with mental illness or developmental
6 disabilities or persons who pose a suicide risk. The division
7 shall review and may adopt or modify jail standards and training
8 curricula developed by the New Mexico detention affiliate of the
9 New Mexico association of counties.

10 B. Except as provided in Subsection D of this
11 section, no jail shall be certified by the division until it has
12 passed an inspection performed or approved by the division.

13 C. The division may deny, suspend, revoke or refuse
14 to renew certification of a jail if the jail does not meet the
15 jail standards or does not qualify for a waiver as provided in
16 Subsection D of this section.

17 D. The division may establish by regulation
18 appropriate procedures for provisional certification and the
19 waiving of any of its standards for jails in existence at the
20 time of the adoption of the standards, except that it shall not
21 allow waiver of any standard pertaining to adequate health and
22 safety of the inmates and staff of a jail.

23 E. The division shall provide technical assistance
24 to jails and local governments on jail standards, training
25 curricula and other matters related to certification of jails.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

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5 March 3, 1997

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7 Mr. President:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

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11 SENATE BILL 789

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13 has had it under consideration and reports same with
14 recommendation that it DO NOT PASS, but that

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16 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
17 SENATE BILL 789

18
19 DO PASS, and thence referred to the FINANCE COMMITTEE.

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21 Respectfully submitted,

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Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: None

Excused: 0

Absent: None

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SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 789

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO CORRECTIONS; PROVIDING FOR DETENTION STANDARDS;
PROVIDING FOR TECHNICAL ASSISTANCE; CREATING A FUND; AMENDING
AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 33-3-4 NMSA 1978 (being Laws 1865-1866,
Chapter 19, Section 3, as amended) is amended to read:

"33-3-4. INSPECTION OF JAILS BY APPROPRIATE GOVERNING BODY-
~~REPORT TO DISTRICT COURT- -~~ DETENTION STANDARDS- - TRAINING- -
TECHNICAL ASSISTANCE. - -

A. The governing bodies of the several counties or
municipalities of this state shall be the inspectors of the
jails in their respective counties and shall visit ~~[them]~~ the
jails at least twice a year and shall carefully examine the
condition of each cell as to cleanliness and discipline ~~[and]~~.

The sheriff, jail administrator as defined in Section 4-44-19 NMSA 1978 or independent contractor shall lay before ~~[them]~~ the governing body a list of the names, ages and ~~[the]~~ cause of imprisonment of each person, and it ~~[shall be]~~ is the duty of the governing body to report to the district court at each term of ~~[said]~~ that court held in each county ~~[and]~~. Should it appear from the ~~[same]~~ report that any of the provisions of law have been violated or broken, the judge of the district court shall order the district attorney to ~~commence~~ commence suit against the sheriff, jail administrator or independent contractor for the violation and failure in the discharge of duty.

B. The mental health division of the department of health shall develop detention standards and training curricula regarding the use of standardized screening criteria during intake of detainees to identify persons with mental illness or developmental disabilities or persons who pose a suicide risk. The mental health division shall review and may adopt or modify detention standards and training curricula developed by the New Mexico detention affiliate of the New Mexico association of counties.

C. Upon request, the mental health division of the department of health shall provide technical assistance to local government detention facilities on detention standards, training curricula and other matters related to the use of standardized screening criteria during intake of detainees. Local governments shall pay the cost of technical assistance provided by the mental health division, which payments shall be deposited in the detention certification fund.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 789

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

SJC/SB 789

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Altamirano, Carraro, Ingle, Lyons

Absent: None

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Underscored material = new
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