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HOUSE BILL 283

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

GARY K. KING

AN ACT

RELATING TO CRIMINAL JUSTICE; REQUIRING THE STATE TO PAY FOR  
INCARCERATION OF PERSONS AWAITING TRIAL ON FELONY CHARGES  
AFTER SIXTY DAYS; MAKING AN APPROPRIATION.

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

Section 1. Section 33-3-13 NMSA 1978 (being Laws 1889,  
Chapter 8, Section 1, as amended) is amended to read:

"33-3-13. PRISONERS WAITING TRIAL--CONFINEMENT IN COUNTY  
JAIL. --

[~~All persons~~] A. A person charged with a crime  
committed in the state, while awaiting indictment or trial on  
such charge, shall be incarcerated in the county jail of the  
county [~~wherein such~~] in which the crime is alleged to have  
been committed or any facility operated by agreement between  
such counties or municipalities, except that such [~~persons~~]

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1 person may be temporarily imprisoned in other places of  
2 confinement while being conveyed or awaiting conveyance to the  
3 jail of the proper county; provided that the sheriff or jail  
4 administrator of [~~any~~] a county having the custody of anyone  
5 charged with the commission of a crime shall be authorized to  
6 remove such person to another county jail or any other place  
7 of safety when in the opinion of the sheriff or jail  
8 administrator the life of such person or others is in imminent  
9 danger; provided further that this section shall not prevent a  
10 person being confined in a jail other than the one belonging  
11 to the county in which the crime charged is alleged to have  
12 been committed when such person is confined in such other jail  
13 in consequence of having taken a change of venue to such other  
14 county.

15 B. When a person awaiting trial on a felony crime  
16 is incarcerated for more than sixty days, the state shall  
17 reimburse the county for the cost of housing him. "

18 Section 2. Section 33-3-14 NMSA 1978 (being Laws 1889,  
19 Chapter 8, Section 2, as amended) is amended to read:

20 "33-3-14. WHAT COUNTY TO PAY EXPENSE. -- [~~SEC. 18.~~]  
21 Whenever any person [~~shall be~~] is imprisoned in any county  
22 other than the county in which the crime is alleged to have  
23 been committed in violation of [~~this~~] Chapter 33, Article 3  
24 NMSA 1978, the expense of such imprisonment shall be borne by  
25 the county in which [~~such~~] the person is [~~so~~] imprisoned

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1 [Provided, that]. Whenever any prisoner [ shall be] is removed  
2 to another county under the provisions of [ the preceding]  
3 Section 33-3-13 NMSA 1978 then, and in such case, the expense  
4 of removal and keeping [ such] the prisoner shall be paid by  
5 the county from which [ such] the prisoner was [ so] removed or  
6 the state as provided in that section. "

7 Section 3. Section 33-3-15 NMSA 1978 (being Laws 1919,  
8 Chapter 92, Section 1, as amended) is amended to read:

9 "33-3-15. TRANSFER OF PRISONER TO ANOTHER COUNTY OR THE  
10 PENITENTIARY FOR SAFEKEEPING-- EXPENSE. --

11 A. Whenever the public welfare or the safe custody  
12 of a prisoner [ shall require, any] requires, a district judge  
13 in the state [ of New Mexico] in his discretion may order any  
14 person charged with the commission of a crime, or any person  
15 in the custody of the sheriff of any county in the district of  
16 the [ said] judge, to be removed to another county jail or to  
17 the state penitentiary or to any other place of safety, when,  
18 in the opinion of the [ said] district judge, it is advisable  
19 that [ such] the person [ or persons] shall be removed for any  
20 purpose whatsoever.

21 B. Where a person, on the order of any district  
22 judge, has been placed in the state penitentiary or a county  
23 jail for safekeeping, the expense incurred by [ said] the  
24 penitentiary or the sheriff of any county for the maintenance  
25 of [ said] the prisoner, shall be borne by the county from

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1 which ~~[said]~~ the prisoner has been ordered ~~[and said]~~ or the  
2 state as provided in Section 33-3-13 NMSA 1978. The bill of  
3 expense shall be made a preferential bill of expense and shall  
4 be paid in full before any bill, fees or salaries of ~~[such]~~  
5 the county are paid; provided, however, that the ~~[said]~~ state  
6 penitentiary or sheriff shall only charge for the maintenance  
7 of ~~[said]~~ the prisoner at the legal rate ~~[now]~~ allowed by law.  
8 This section shall not authorize a charge against a county for  
9 expenses relating to any prisoner committed to the  
10 penitentiary as a result of a criminal conviction. "

11 Section 4. TEMPORARY PROVISION--LOCAL GOVERNMENT  
12 DIVISION RULES.--The local government division of the  
13 department of finance and administration shall by rule  
14 establish procedures for receiving, verifying and reimbursing  
15 counties for the cost of incarcerating persons awaiting trial  
16 on felony charges as provided in Section 33-3-13 NMSA 1978.

17 Section 5. APPROPRIATION.--One million dollars  
18 (\$1,000,000) is appropriated from the general fund to the  
19 local government division of the department of finance and  
20 administration for expenditure in fiscal year 1999 to pay the  
21 counties' costs of incarcerating persons awaiting trial on  
22 felony charges. Any unexpended or unencumbered balance  
23 remaining at the end of fiscal year 1999 shall revert to the  
24 general fund.

25 Section 6. EFFECTIVE DATE.--The effective date of the

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provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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6 February 9, 1998  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 283  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, and thence referred to the  
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,  
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22 Thomas P. Foy, Chairman  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 HJC/HAF/HB 283

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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6 (Chief Clerk)

(Chief Clerk)

7  
8 Date \_\_\_\_\_

9  
10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Foy, Luna

13 Absent: None

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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3  
4 February 13, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 283

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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, amended as follows:

15  
16 1. On page 1, line 13, strike “; MAKING AN  
17 APPROPRIATION”.

18  
19 2. On page 2, line 17, before the period, insert  
20 “subsequent to that sixty day period”.

21 3. On page 4, strike Section 5 in its entirety.

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23 4. Renumber the succeeding section accordingly.

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25 5. On page 5, line 1, strike “1998” and insert in lieu  
thereof “1999”.

. 120915. 1

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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 HARC/HB 283

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4 Respectfully submitted,  
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10 Max Coll, Chairman

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12 Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

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14 (Chief Clerk)

(Chief Clerk)

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16 Date \_\_\_\_\_

17 The roll call vote was 13 For 0 Against

18 Yes: 13

19 Excused: Bird, Coll, Marquardt, Vigil, Watchman

20 Absent: None  
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SECOND SESSION, 1998

1 HAF/ HB 283

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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February 18, 1998

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 283, as amended

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has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
FINANCE COMMITTEE.

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Respectfully submitted,

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Fernando R. Macias, Chairman

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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Adopted \_\_\_\_\_ Not

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: 0

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Excused: Sanchez, Tsosie

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Absent: None

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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February 19, 1998

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Mr. President:

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Your FINANCE COMMITTEE, to whom has been referred

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HOUSE BILL 213, as amended

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

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Respectfully submitted,

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Ben D. Altamirano, Chairman

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: None

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Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

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Absent: None

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