

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 545

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO CORRECTIONS; PROVIDING NATIVE AMERICAN INMATE  
PLACEMENT CRITERIA; LIMITING OUT-OF-STATE PLACEMENT FOR NATIVE  
AMERICAN INMATES.

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

Section 1. NATIVE AMERICAN INMATE PLACEMENT CRITERIA--  
ASSIGNMENT OF NATIVE AMERICAN INMATES.--

A. In determining the appropriate out-of-state  
transfer of a Native American inmate by the corrections  
department, the cultural and spiritual needs of the Native  
American inmate and the location of the Native American  
inmate's family or other social, spiritual or cultural support  
system shall be taken into consideration.

B. A Native American who is an inmate in a  
correctional facility in New Mexico shall not be transferred to

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underscoring material = new  
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1 a correctional facility outside New Mexico unless:

2 (1) the secretary of corrections or the  
3 secretary's designee makes a specific finding that there is no  
4 suitable correctional facility available in New Mexico for the  
5 placement of the Native American inmate; or

6 (2) the Native American inmate voluntarily  
7 consents to placement in a correctional facility outside New  
8 Mexico.

9 C. As used in this section:

10 (1) "correctional facility" includes a  
11 privately owned or operated correctional facility; and

12 (2) "Native American" means a person who is an  
13 enrolled member of an Indian nation, pueblo or tribe with a  
14 geographical presence in New Mexico.

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