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HOUSE BILL 989

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

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO PRIVATELY OWNED CORRECTIONAL FACILITIES; PROVIDING THAT A FEDERAL INMATE INCARCERATED IN A PRIVATE FACILITY WITHIN THIS STATE IS AN "OUT-OF-STATE INMATE" FOR PURPOSES OF THE PRIVATELY OPERATED CORRECTIONAL FACILITIES OVERSIGHT ACT.

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

Section 1. Section 33-15-2 NMSA 1978 (being Laws 2001, Chapter 169, Section 2) is amended to read:

"33-15-2. DEFINITIONS.--As used in the Privately Operated Correctional Facilities Oversight Act:

A. "out-of-state inmate" means a person incarcerated in a privately operated correctional facility within this state who is being incarcerated on behalf of the federal government, a state other than ~~[New Mexico]~~ this state or a governmental entity whose jurisdiction is outside ~~[the]~~

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 this state [~~of New Mexico~~]. "Out-of-state inmate" does not
2 include a person who is being incarcerated on behalf of an
3 Indian nation, tribe or pueblo whose lands are located wholly
4 or partially within [~~New Mexico, or on behalf of the United~~
5 ~~States~~] this state;

6 B. "privately operated correctional facility" means
7 a correctional facility or jail that has all or substantially
8 all of its security operations performed by persons employed
9 by, or engaged by, a private entity to perform security
10 functions; and

11 C. "secretary" means the secretary of corrections
12 or his designee."

13 Section 2. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2005.