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HOUSE JOINT MEMORIAL 22  
**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**  
INTRODUCED BY  
Thomas E. Swisstack

A JOINT MEMORIAL  
REQUESTING A LEGISLATIVE STUDY OF CURRENT NEW MEXICO LAW  
RELATING TO MANAGING COUNTY JAIL OVERCROWDING.

WHEREAS, New Mexico county jails are seriously  
overcrowded; and

WHEREAS, New Mexico county taxpayers struggle to meet the  
costs of compliance with federal constitutional standards for  
confinement of inmates; and

WHEREAS, in 2007, New Mexico county taxpayers spent well  
over one hundred fifty million dollars (\$150,000,000) to house,  
transport, feed and provide medical care to approximately seven  
thousand inmates in county jails; and

WHEREAS, detention costs comprise approximately one-fourth  
of county general fund budgets; and

WHEREAS, county taxpayers pay approximately thirty million  
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1 dollars (\$30,000,000) per year to house state prisoners in  
2 county jails; and

3 WHEREAS, county governments are facing increased  
4 litigation costs due to unsafe conditions created by jail  
5 overcrowding; and

6 WHEREAS, approximately one-half of all inmates housed in  
7 county jails were arrested within municipal boundaries by  
8 municipal officers but became county inmates because they were  
9 charged with crimes under state law and, therefore,  
10 municipalities pay counties only a small fraction of costs for  
11 the inmates; and

12 WHEREAS, most inmates held in county jails spent almost  
13 seven and one-half months, or two hundred twenty-four days, in  
14 jail; and

15 WHEREAS, after sentencing, an average jail inmate spends  
16 another nineteen days in jail before being transported to  
17 prison; and

18 WHEREAS, New Mexico state laws establishing county jails  
19 were originally adopted in 1865 and 1866, when costs to  
20 maintain jails were minimal and each county jail contained only  
21 a few cells and was operated by the county sheriff; and

22 WHEREAS, New Mexico statutes currently provide no  
23 authority to boards of county commissioners to set policy to  
24 manage effectively county jail populations, even when the  
25 facilities become overcrowded and unsafe; and

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