

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 450

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO COUNTY JAILS; PROVIDING FOR DEDUCTIONS OF TIME FROM THE TERM OF SENTENCE FOR GOOD BEHAVIOR WITHOUT JUDICIAL APPROVAL IN CERTAIN COUNTY JAILS; REMOVING THE REQUIREMENT OF JUDICIAL APPROVAL BEFORE A JAIL ADMINISTRATOR MAY AWARD CREDIT FOR GOOD BEHAVIOR IN CERTAIN COUNTY JAILS.

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

SECTION 1. Section 33-3-9 NMSA 1978 (being Laws 1969, Chapter 207, Section 1, as amended) is amended to read:

"33-3-9. COUNTY JAILS--DEDUCTION OF TIME FOR GOOD BEHAVIOR.--

A. Except as provided in Section 33-3-9.1 NMSA 1978, the sheriff or jail administrator of any county, with the approval of the committing judge or presiding judge, may grant any person imprisoned in the county jail a deduction of time

.191665.3

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 from the term of [~~his~~] the inmate's sentence for good behavior
2 and industry and shall establish rules for the accrual of "good
3 time". Deductions of time for good behavior shall not exceed
4 one-half of the term of the [~~prisoner's~~] inmate's original
5 sentence. If [~~a prisoner~~] an inmate is under two or more
6 cumulative sentences, the sentences shall be treated as one
7 sentence for the purpose of deducting time for good behavior.

8 B. [~~A prisoner~~] An inmate shall not accrue good
9 time for the mandatory portion of a sentence imposed pursuant
10 to the provisions of:

11 (1) [~~Sections~~] Section 66-8-102 [~~and~~] or
12 66-5-39 NMSA 1978; or

13 (2) a county or municipal ordinance that
14 prohibits driving while under the influence of intoxicating
15 liquor or drugs or driving with a revoked or suspended driver's
16 license.

17 C. A part or all of the [~~prisoner's~~] inmate's
18 accrued deductions may be forfeited for any conduct violation.
19 The sheriff or jail administrator shall establish rules and
20 procedures for the forfeiture of accrued deductions and keep a
21 record of all forfeitures of accrued deductions and the reasons
22 for the forfeitures. In addition, any independent contractor
23 shall also keep a duplicate record of such forfeitures.

24 D. No other time allowance or credits in addition
25 to deductions of time permitted under this section may be

.191665.3

underscored material = new
[bracketed material] = delete

1 granted to any ~~[prisoner]~~ inmate.

2 E. If a private independent contractor operates a
3 jail, ~~[he]~~ the independent contractor shall make reports of
4 disciplinary violations and good behavior to the jail
5 administrator or the sheriff of the county in which the jail is
6 located. All action on such reports and awards or forfeitures
7 of good time shall be made by the jail administrator or the
8 sheriff. The independent contractor shall not have the power
9 to award or cause the forfeiture of good time pursuant to this
10 section."

11 SECTION 2. A new Section 33-3-9.1 NMSA 1978 is enacted to
12 read:

13 "33-3-9.1. [NEW MATERIAL] CERTAIN COUNTY JAILS--DEDUCTION
14 OF TIME FOR GOOD BEHAVIOR--ELIGIBILITY.--

15 A. In a class A county with a population greater
16 than five hundred thousand, the sheriff or jail administrator
17 of a county may grant an inmate in the county jail a deduction
18 of time from the term of the inmate's sentence for good
19 behavior and industry in accordance with established rules.
20 Deductions of time for good behavior shall not exceed one-half
21 of the term of the inmate's original sentence. If an inmate is
22 under two or more cumulative sentences, the sentences shall be
23 treated as one sentence for the purpose of deducting time for
24 good behavior.

25 B. An inmate shall not accrue deductions of time

.191665.3

underscoring material = new
~~[bracketed material] = delete~~

1 for good behavior pursuant to this section for the mandatory
2 portion of a sentence imposed pursuant to the provisions of:

- 3 (1) Section 66-8-102 or 66-5-39 NMSA 1978; or
4 (2) a county or municipal ordinance that
5 prohibits driving while under the influence of intoxicating
6 liquor or drugs or driving with a revoked or suspended driver's
7 license.

8 C. A part or all of an inmate's deductions of time
9 for good behavior accrued pursuant to this section may be
10 forfeited for a conduct violation. The sheriff or jail
11 administrator shall establish rules and procedures for the
12 forfeiture of accrued deductions and keep a record of all
13 forfeitures of accrued deductions and the reasons for the
14 forfeitures. In addition, an independent contractor shall keep
15 a duplicate record of forfeitures of accrued deductions.

16 D. No other time allowance or credits in addition
17 to deductions of time for good behavior permitted by this
18 section may be granted to an inmate.

19 E. If a private independent contractor operates a
20 jail covered by this section, the independent contractor shall
21 make reports of disciplinary violations and good behavior to
22 the jail administrator or the sheriff of the county in which
23 the jail is located. All action taken in response to an
24 independent contractor's reports, including deductions of time
25 for good behavior and forfeitures of deductions of time for

.191665.3

underscoring material = new
~~[bracketed material]~~ = delete

1 good behavior, shall be made by the jail administrator or the
2 sheriff. An independent contractor shall not have the power to
3 award or cause the forfeiture of deductions of time for good
4 behavior accrued pursuant to this section."

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2013.

7 - 5 -

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25