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AN ACT

RELATING TO CORRECTIONS; ALLOWING THE CORRECTIONS INDUSTRIES
DIVISION OF THE CORRECTIONS DEPARTMENT TO SELL PRODUCTS
VALUED UNDER THREE HUNDRED DOLLARS (\$300) TWICE A YEAR;
MAKING AN APPROPRIATION.

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

SECTION 1. Section 33-8-12 NMSA 1978 (being Laws 1981,
Chapter 127, Section 12, as amended) is amended to read:

"33-8-12. PRODUCTS--SALE--LABELING REQUIREMENT--
PENALTY--EXCEPTIONS.--

A. Except as otherwise provided in this section,
no product or service manufactured or provided in whole or in
part by inmate labor shall be sold or furnished except to a
qualified purchaser; provided that such products may be
resold by the user for purposes of salvage. As used in this
subsection, "qualified purchaser" means:

- (1) a state agency;
- (2) local public bodies;
- (3) the state agencies of other states and
their local public bodies;
- (4) agencies of the federal government;
- (5) tribal and pueblo governments;
- (6) nonprofit organizations properly
registered under state law and supported wholly or in part by

1 funds derived from public taxation;

2 (7) persons, partnerships, corporations or
3 associations that provide public school transportation
4 services to a state agency or local public body pursuant to
5 contract;

6 (8) any business engaged primarily in the
7 manufacture or resale of the same type of product;

8 (9) a person, partnership, corporation or
9 association that provides correctional services to the
10 department pursuant to a contract; and

11 (10) a person, partnership, corporation or
12 association that houses inmates on behalf of the department.

13 B. Every product manufactured pursuant to the
14 provisions of the Corrections Industries Act shall be
15 distinctively identified as inmate-made by brand, label or
16 mark consistent with the type and character of the product.
17 Every product manufactured pursuant to the provisions of the
18 Corrections Industries Act may be certified pursuant to the
19 federal private sector prison industry enhancement
20 certification program.

21 C. A person who violates the provisions of
22 Subsection A of this section is guilty of a misdemeanor and
23 upon conviction shall be sentenced to imprisonment in the
24 county jail for a definite term not to exceed six months or
25 to the payment of a fine of not more than one thousand

1 dollars (\$1,000) or to both imprisonment and fine in the
2 discretion of the judge.

3 D. The provisions of this section shall not apply
4 to products produced pursuant to Section 33-8-13 NMSA 1978.

5 E. Notwithstanding the provisions of Subsection A
6 of this section, to assure the most effective use of
7 state-owned land, produce from agricultural and animal
8 husbandry enterprises may be sold to commercial sources upon
9 review and recommendation of the commission and pursuant to
10 procedures, including audit, established by the secretary of
11 finance and administration.

12 F. The corrections industries division of the
13 department may sell products manufactured pursuant to the
14 provisions of the Corrections Industries Act valued at a
15 prevailing market price of three hundred dollars (\$300) or
16 less to the general public twice a year. Proceeds from the
17 sales shall be placed into the corrections industries
18 revolving fund; a portion of the proceeds placed into the
19 corrections industries revolving fund pursuant to this
20 subsection shall be placed into the crime victims reparation
21 fund."

22 SECTION 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2014. _____