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HOUSE BILL 381

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RICK MIERA

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CORRECTIONS; PROVIDING FOR JAIL STANDARDS AND  
CERTIFICATION FOR ADULT JAILS; PROVIDING FOR JAILER TRAINING AND  
TECHNICAL ASSISTANCE; CREATING A FUND; REPEALING AND ENACTING  
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 33-3-4 NMSA 1978 (being Laws 1865-1866,  
Chapter 19, Section 3, as amended) is repealed and a new Section  
33-3-4 NMSA 1978 is enacted to read:

"[NEW MATERIAL] JAIL STANDARDS-- CERTIFICATION-- TRAINING--  
TECHNICAL ASSISTANCE. --

A. The local government division of the department  
of finance and administration shall develop jail standards and  
jailer training curricula and implement a certification process  
for all adult jails in New Mexico. Jail standards shall include

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1 standards for site, design, construction, equipment, care,  
2 programs, personnel and clinical services. Jailer training  
3 curricula shall include training jail personnel to use  
4 standardized screening criteria during intake of prisoners to  
5 identify persons with mental illness or developmental  
6 disabilities or persons who pose a suicide risk. The division  
7 shall review and may adopt or modify jail standards and training  
8 curricula developed by the New Mexico detention affiliate of the  
9 New Mexico association of counties.

10 B. Except as provided in Subsection D of this  
11 section, no jail shall be certified by the division until it has  
12 passed an inspection performed or approved by the division.

13 C. The division may deny, suspend, revoke or refuse  
14 to renew certification of a jail if the jail does not meet the  
15 jail standards or does not qualify for a waiver as provided in  
16 Subsection D of this section.

17 D. The division may establish by regulation  
18 appropriate procedures for provisional certification and the  
19 waiving of any of its standards for jails in existence at the  
20 time of the adoption of the standards, except that it shall not  
21 allow waiver of any standard pertaining to adequate health and  
22 safety of the inmates and staff of a jail.

23 E. The division shall provide technical assistance  
24 to jails and local governments on jail standards, training  
25 curricula and other matters related to certification of jails.

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 19, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 381

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 1, lines 11 and 12, strike "JAIL STANDARDS AND  
CERTIFICATION FOR ADULT JAILS" and insert in lieu thereof  
"DETENTION STANDARDS".

2. On page 1, line 12, strike "JAILER TRAINING AND".

3. On page 1, line 20, strike "JAIL STANDARDS--  
CERTIFICATION" and insert in lieu thereof "DETENTION STANDARDS".

4. On page 1, strike lines 22 through 25 in their entirety,  
on page 2, strike lines 1 through 25 in their entirety, on page 3,  
strike lines 1 through 5 in their entirety and insert in lieu

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HJC/HB 381

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thereof the following new subsections:

"A. The mental health division of the department of health shall develop detention standards and training curricula regarding the use of standardized screening criteria during intake of detainees to identify persons with mental illness or developmental disabilities or persons who pose a suicide risk. The division shall review and may adopt or modify detention standards and training curricula developed by the New Mexico detention affiliate of the New Mexico association of counties.

B. Upon request, the mental health division of the department of health shall provide technical assistance to local government detention facilities on detention standards, training curricula and other matters related to the use of standardized screening criteria during intake of detainees. Local governments shall pay the cost of technical assistance provided by the mental health division, which payments shall be deposited in the detention certification fund."

5. Reletter the succeeding subsection accordingly.

6. On page 3, line 9, strike "JAIL" and insert in lieu thereof "DETENTION".

7. On page 3, line 10, strike "jail" and insert in lieu thereof "detention".

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HJC/HB 381

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8. On page 3, line 13, strike "inspection and certification of jails and".

9. On page 3, lines 14 and 15, strike "local government division" and insert in lieu thereof "mental health division of the department of health".,

and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Thomas P. Foy, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HJC/HB 381

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The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, Larranaga, Luna, Rios, Sanchez

Absent: None

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 5, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred

HOUSE BILL 381, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 1, line 14, strike “; MAKING AN APPROPRIATION”.
2. On page 3, lines 15 and 16, strike “. Money in the fund  
is appropriated to the division”, and insert in lieu thereof  
“subject to appropriation by the legislature”.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HAF C/HB381a

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Respectfully submitted,

\_\_\_\_\_  
Max Coll, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Bird, Garcia, M H. , Picraux, Saavedra, Salazar, Taylor,  
Watchman

Absent: None

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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997

HB 381/a

3  
4 March 17, 1997

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6 Mr. President:

7  
8 Your JUDICIARY COMMITTEE, to whom has been referred

9  
10 HOUSE BILL 381, as amended

11 has had it under consideration and reports same with  
12 recommendation that it DO PASS, amended as follows:

13  
14 1. On page 1, line 18, strike "is repealed and a new Section  
15 33-3-4 NMSA 1978 is enacted to read" and insert in lieu thereof,  
16 "is amended to read",

17 and thence referred to the FINANCE COMMITTEE.

18  
19 Respectfully submitted,

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24 Fernando R. Macias, Chairman  
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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Sanchez, Tsosie, Vernon

Absent: None

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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997

3 %%% Page 12

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5 FORTY-THIRD LEGISLATURE  
6 FIRST SESSION, 1997  
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8  
9 March 20, 1997  
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11 Mr. President:

12  
13 Your FINANCE COMMITTEE, to whom has been referred

14  
15 HOUSE BILL 381, as amended

16 has had it under consideration and reports same with  
17 recommendation that it DO PASS.

18  
19 Respectfully submitted,  
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23 \_\_\_\_\_  
24 Ben D. Altamirano, Chairman  
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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

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