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SENATE BILL 401

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

INTRODUCED BY

PATRICK H. LYONS

AN ACT

RELATING TO COUNTIES; AMENDING SECTION 4-44-18 NMSA 1978 (BEING LAWS 1961, CHAPTER 253, SECTION 4, AS AMENDED) TO ALLOW COUNTIES TO BE REIMBURSED FOR THE COST OF CONTRACTING FOR PRIVATE PRISONER TRANSPORTATION SERVICES.

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

Section 1. Section 4-44-18 NMSA 1978 (being Laws 1961, Chapter 253, Section 4, as amended) is amended to read:

"4-44-18. SHERIFFS, DEPUTY SHERIFFS AND GUARDS--EXPENSES INCURRED IN SERVING PROCESS AND CERTAIN OTHER OFFICIAL BUSINESS--PER DIEM --

A. Sheriffs, their deputies and guards shall be paid per diem expenses at the rate authorized in the Per Diem and Mileage Act by the counties on behalf of which expenses are incurred in:

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1 (1) service of criminal process issued out of
2 the supreme court or district court;

3 (2) service of criminal process issued out of a
4 magistrate court when the issuance is approved in writing by the
5 district attorney or his assistants;

6 (3) service of civil process issued by the
7 district court; and

8 (4) attempting to discover or arrest a person
9 charged with a felony if written authorization is obtained from
10 the district judge.

11 B. Expenses authorized under this section shall be
12 paid on the rendition of sworn accounts filed in the county
13 clerk's office and approved by the board of county commissioners
14 and the district judge.

15 C. Sheriffs, their deputies and guards or private
16 persons performing the extradition and transportation at the
17 request of the county shall be paid per diem and mileage
18 expenses at the rate authorized in the Per Diem and Mileage Act
19 for extraditing prisoners from without the state and for
20 transporting persons committed by a court to any state
21 institution or required to be returned by order of the court
22 from any state institution to the county of commitment. The
23 county ~~may~~ shall be reimbursed by the state for the per diem
24 and mileage expenses incurred under this subsection by
25 submitting claims for reimbursement to the department of finance

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1 and administration in accordance with the department's
2 regulations. "

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 March 18, 1997

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8 Mr. President:

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10 Your FINANCE COMMITTEE, to whom has been referred

11
12 SENATE BILL 401, as amended

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

17
18 Respectfully submitted,

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22 _____
23 Ben D. Altamirano, Chairman
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25

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Campos, Eisenstadt, Ingle, McKibben

Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 19, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 401, as amended

Amendment sponsored by Senator Patrick H. Lyons

1. Strike all Senate Judiciary Committee amendments.

2. On page 2, line 16, strike "persons" and insert in lieu thereof "contractors".

3. On page 2, line 17, after "of" insert "and under an approved contract with".

4. On page 2, line 22, after the period insert:

"Contractors that provide transportation services for a county

. 119195.1

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SFI/SB 401, aa

Page 7

shall train security personnel in all phases of prisoner transportation and shall be licensed and insured pursuant to all applicable state and federal requirements. Contractors shall provide to the county a certificate of insurance certifying to coverage of tort liability risks of the county."

Patrick H. Lyons

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

119195.1

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