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HOUSE BILL 756

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Rhonda King

AN ACT

RELATING TO JAILS; REQUIRING THE STATE TO REIMBURSE COUNTIES
WHEN A PERSON AWAITING TRIAL FOR AN ALLEGED FELONY OFFENSE IS
INCARCERATED FOR MORE THAN SIXTY DAYS IN A COUNTY JAIL;
AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 33-3-13 NMSA 1978 (being Laws 1889,
Chapter 8, Section 1, as amended) is amended to read:

"33-3-13. PRISONERS WAITING TRIAL-- CONFINEMENT IN COUNTY
JAIL-- REIMBURSEMENT TO COUNTIES. -- [~~All persons~~]

A. A person charged with a crime committed in the
state, while awaiting indictment or trial on such charge,
shall be incarcerated in the county jail of the county
~~[wherein such]~~ in which the crime is alleged to have been
committed or any facility operated by agreement between such

underscored material = new
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1 counties or municipalities, except that such ~~[persons]~~ person
2 may be temporarily imprisoned in other places of confinement
3 while being conveyed or awaiting conveyance to the jail of the
4 proper county; provided that the sheriff or jail administrator
5 of ~~[any]~~ a county having the custody of anyone charged with
6 the commission of crime, shall be authorized to remove such
7 person to another county jail or any other place of safety
8 when in the opinion of the sheriff or jail administrator the
9 life of such person or others is in imminent danger; provided
10 further that this section shall not prevent a person being
11 confined in a jail other than the one belonging to the county
12 in which the crime charged is alleged to have been committed
13 when such person is confined in such other jail in consequence
14 of having taken a change of venue to such other county.

15 B. When a person awaiting trial for an alleged
16 felony offense is incarcerated for more than sixty days in a
17 county jail, the state shall reimburse the county for the cost
18 of housing him after that sixty-day period. "

19 Section 2. Section 33-3-14 NMSA 1978 (being Laws 1889,
20 Chapter 8, Section 2, as amended) is amended to read:

21 "33-3-14. WHICH COUNTY TO PAY EXPENSE. -- ~~[SEC. 18.~~
22 ~~Whenever any]~~ When a person [shall be] is imprisoned in any
23 county other than the county in which the crime is alleged to
24 have been committed in violation of ~~[this]~~ Chapter 33, Article
25 3 NMSA 1978, the expense of such imprisonment shall be borne

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1 by the county in which [~~such~~] the person is [~~sø~~] imprisoned.
2 [~~Provided, that whenever any prisoner shall be~~] When a
3 prisoner is removed to another county under the provisions of
4 [~~the preceding~~] Section 33-3-13 NMSA 1978, then [~~and in such~~
5 ~~ease~~] the expense of [~~removal~~] removing and keeping [~~such~~] the
6 prisoner shall be paid by the county from which [~~such~~] the
7 prisoner was [~~sø~~] removed or by the state, as provided in
8 Subsection B of that section."

9 Section 3. Section 33-3-15 NMSA 1978 (being Laws 1919,
10 Chapter 92, Section 1, as amended) is amended to read:

11 "33-3-15. TRANSFER OF PRISONER TO ANOTHER COUNTY OR THE
12 PENITENTIARY FOR SAFEKEEPING-- EXPENSE. --

13 A. Whenever the public welfare or the safe custody
14 of a prisoner [~~shall require, any~~] requires, a district judge
15 in the state [~~of New Mexico~~] in his discretion may order any
16 person charged with the commission of a crime, or any person
17 in the custody of the sheriff of any county in the district of
18 the [~~said~~] judge, to be removed to another county jail or to
19 the state penitentiary or to any other place of safety, when,
20 in the opinion of the [~~said~~] district judge, it is advisable
21 that [~~such~~] the person [~~or persons~~] shall be removed for any
22 purpose whatsoever.

23 B. Where a person, on the order of any district
24 judge, has been placed in the state penitentiary or a county
25 jail for safekeeping, the expense incurred by [~~said~~] the

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1 penitentiary or the sheriff of any county for the maintenance
2 of ~~[said]~~ the prisoner shall be borne by the county from which
3 ~~[said]~~ the prisoner has been ordered or the state, as provided
4 in Subsection B of Section 33-3-13 NMSA 1978. ~~[and said]~~ The
5 bill of expense shall be made a preferential bill of expense
6 and shall be paid in full before any bill, fees or salaries of
7 ~~[such]~~ the county are paid; provided, however, that the ~~[said]~~
8 state penitentiary or sheriff shall only charge for the
9 maintenance of ~~[said]~~ the prisoner the legal rate ~~[now]~~
10 allowed by law. This section shall not authorize a charge
11 against a county for expenses relating to any prisoner
12 committed to the penitentiary as a result of a criminal
13 conviction. "

14 Section 4. TEMPORARY PROVISION-- RULES-- LOCAL GOVERNMENT
15 DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION.-- The
16 local government division of the department of finance and
17 administration shall adopt rules to establish procedures for
18 reimbursing counties for the cost of incarcerating persons
19 awaiting trial on felony charges, as provided in Subsection B
20 of Section 33-3-13 NMSA 1978.

21 Section 5. EFFECTIVE DATE.-- The effective date of the
22 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 27, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 756
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14 has had it under consideration and reports same WITHOUT
15 RECOMMENDATION.
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17 Respectfully submitted,
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20 _____
21 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 756

Page 6

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, Stewart, T. Taylor

Absent: None

J: \99BillSWP\H0756

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