

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILLS 437 & 438

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO CORRECTIONS; INCREASING STAFFING LEVELS;
UPGRADING THE INMATE CLASSIFICATION SYSTEM, THE CRIMINAL
MANAGEMENT INFORMATION SYSTEM AND AUDITING OF CONTRACTS FOR
CORRECTIONAL SERVICES; INCREASING SALARIES FOR CORRECTIONAL
OFFICERS; PROVIDING FUNDS FOR THE RENOVATION OF THE
PENITENTIARY OF NEW MEXICO SOUTH AS A CLOSE-CUSTODY FACILITY;
CREATING A JOINT INTERIM LEGISLATIVE CORRECTIONS OVERSIGHT
COMMITTEE; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. FINDINGS--APPROPRIATIONS TO THE CORRECTIONS
DEPARTMENT.--

A. The legislature finds that "The Consultants'
Report on Prison Operations in New Mexico Correctional
Institutions", dated January 14, 2000, is a comprehensive
work that sets forth viable solutions to problems that have

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

1 plagued the correctional system for years. The report
2 includes recommendations offered by the consultants as a
3 guide to improving corrections operations in New Mexico. The
4 legislature also finds that those recommendations include
5 suggestions that should be implemented immediately, matters
6 that should be studied carefully in preparation for
7 implementation during the 2001 legislative session and,
8 finally, systemic recommendations that will evolve over the
9 course of several years. Therefore, the legislature finds it
10 is necessary to appropriate money for the consultants'
11 recommendations that must be implemented immediately,
12 including funding for an improved inmate classification
13 system, funding for increased efforts to reduce gang
14 influence in correctional facilities, funding for improved
15 auditing of private vendors who provide correctional services
16 to the state, funding to provide salary increases for
17 correctional officers and funding to renovate the
18 penitentiary of New Mexico south identically or substantially
19 similar to its current design and security features for use
20 as a close-custody facility.

21 B. The legislature further finds that the
22 consultants' report advises the state to immediately address
23 the possibility of renegotiating the contracts for the Lea
24 county and Guadalupe county facilities. The parties to the
25 contracts are strongly urged to heed that specific
recommendation.

C. The following amounts are appropriated from the

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1 general fund to the corrections department for expenditure in
2 fiscal years 2000 and 2001 for the following purposes:

3 (1) fifty thousand dollars (\$50,000) to
4 perform an inmate classification study and to implement
5 changes to the inmate classification system;

6 (2) sixty-six thousand six hundred dollars
7 (\$66,600) to pay salaries and benefits for two additional
8 full-time employees for the bureau of classification at the
9 central New Mexico correctional facility;

10 (3) four hundred eighty-six thousand two
11 hundred dollars (\$486,200) to pay salaries and benefits for
12 fourteen additional full-time employees to serve as security
13 threat group officers;

14 (4) two hundred thousand dollars (\$200,000)
15 to provide salaries and benefits and pay travel expenses for
16 three additional full-time employees to serve as compliance
17 auditors who audit private contracts entered into by the
18 state for correctional services;

19 (5) one hundred seventy thousand dollars
20 (\$170,000) to provide salaries and benefits for three
21 additional full-time employees to support the criminal
22 management information system;

23 (6) one hundred thousand dollars (\$100,000)
24 to create an inmate gang management module in the criminal
25 management information system;

(7) one million five hundred thousand
dollars (\$1,500,000) to provide a salary upgrade for

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1 correctional officers; and

2 (8) five hundred thousand dollars (\$500,000)
3 to match five million dollars (\$5,000,000) in federal funds
4 for the purpose of renovating the penitentiary of New Mexico
5 south identically or substantially similar to its current
6 design and security features for use as a close-custody
7 facility that employs cognitive restructuring programming and
8 progressive reintegration programming for the purpose of
9 returning inmates housed at the penitentiary of New Mexico
10 south to general populations at less restrictive facilities.

11 D. Any unexpended or unencumbered balance
12 remaining at the end of fiscal year 2001 shall revert to the
13 general fund.

14 Section 2. CORRECTIONS OVERSIGHT COMMITTEE CREATED--
15 TERMINATION.--There is created a joint interim legislative
16 committee that shall be known as the "corrections oversight
17 committee". The committee shall function from the date of
18 its appointment until the first day of December prior to the
19 first session of the forty-seventh legislature.

20 Section 3. MEMBERSHIP--APPOINTMENT--VACANCIES.--

21 A. The corrections oversight committee shall be
22 composed of six members. Three members of the house of
23 representatives shall be appointed by the speaker of the
24 house of representatives. Three members of the senate shall
25 be appointed by the senate committees' committee or, if the
senate appointments are made in the interim, by the president
pro tempore of the senate after consultation with and

1 agreement of a majority of the members of the senate
2 committees' committee.

3 B. Members shall be appointed from each house so
4 as to give the two major political parties in each house the
5 same proportional representation on the corrections oversight
6 committee as prevails in each house. However, in no event
7 shall either party have less than one member from each house
8 on the committee. The speaker of the house of
9 representatives and the president pro tempore of the senate
10 shall each appoint a co-chairman of the committee.

11 C. A vacancy on the corrections oversight
12 committee shall be filled by appointment in the same manner
13 as the original appointment.

14 D. No action shall be taken by the corrections
15 oversight committee if a majority of the total membership
16 from either house on the committee rejects the action.

17 Section 4. DUTIES--SUBPOENA POWER--COOPERATION.--

18 A. After its appointment, the corrections
19 oversight committee shall hold one organizational meeting to
20 develop a work plan and budget for the ensuing interim. The
21 work plan and budget shall be submitted to the New Mexico
22 legislative council for approval.

23 B. Upon approval of the work plan and budget by
24 the New Mexico legislative council, the corrections oversight
25 committee shall:

(1) oversee implementation of the
recommendations set forth in the January 14, 2000 document

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1 entitled "The Consultants' Report on Prison Operations in New
2 Mexico Correctional Institutions";

3 (2) assess the feasibility of expanding
4 community corrections programming as a means to reduce the
5 inmate population;

6 (3) monitor other issues related to the
7 operation of public and private correctional facilities; and

8
9 (4) recommend legislation or changes, if
10 they are found to be necessary, to the legislature.

11 C. The corrections oversight committee shall have
12 the power to conduct hearings and to administer oaths. The
13 committee shall have the power to subpoena, which may be
14 enforced through any district court of the state. The
15 subpoena power shall be used only upon approval by a super-
16 majority of committee members, shall be related to the
17 committee's powers and duties specified in this section and
18 shall be within the scope of the January 14, 2000 document
19 entitled "The Consultants' Report on Prison Operations in New
20 Mexico Correctional Institutions". Service of committee
21 process shall be made by any sheriff or any member of the New
22 Mexico state police and shall be served without cost to the
23 committee.

24 D. The corrections department and every other
25 state agency and political subdivision of the state shall,
upon request, furnish and make available to the corrections
oversight committee documents, material or information

1 requested by the members of the committee or its staff.

2 Section 5. SUBCOMMITTEES.--

3 A. Subcommittees shall be created only by majority
4 vote of all members appointed to the corrections oversight
5 committee and with the prior approval of the New Mexico
6 legislative council. A subcommittee shall be composed of at
7 least one member from the senate and one member from the
8 house of representatives, and at least one member of the
9 minority party shall be a member of the subcommittee.

10 B. All meetings and expenditures of a subcommittee
11 shall be approved by the full corrections oversight committee
12 in advance of subcommittee meetings or expenditures, and the
13 approval shall be shown in the minutes of the committee.

14 Section 6. REPORT.--The corrections oversight committee
15 shall make a report of its findings and recommendations for
16 the consideration of the first session of the forty-fifth
17 legislature; the second session of the forty-fifth
18 legislature; the first session of the forty-sixth
19 legislature; the second session of the forty-sixth
20 legislature; and the first session of the forty-seventh
21 legislature. The reports and suggested legislation shall be
22 made available to the New Mexico legislative council on or
23 before December 15 preceding each session.

24 Section 7. STAFF.--The staff for the corrections
25 oversight committee shall be provided by the legislative
council service. The legislative council service may also
contract for staff services for the corrections oversight

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1 committee.

2 Section 8. APPROPRIATION.--One hundred thousand dollars
3 (\$100,000) is appropriated from the general fund to the
4 legislative council service for expenditure in fiscal years
5 2000 and 2001 for the operation of and staffing of the
6 corrections oversight committee. Any unexpended or
7 unencumbered balance remaining at the end of fiscal year 2001
8 shall revert to the general fund.

9 Section 9. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect
11 immediately.