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HOUSE BILL 354

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO JAILS; REQUIRING THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO REIMBURSE COUNTIES FOR THE EXPENSE OF INCARCERATING CERTAIN OFFENDERS IN COUNTY JAILS; AMENDING A SECTION OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 33-3-3 NMSA 1978 (being Laws 1865-1866, Chapter 19, Section 2, as amended) is amended to read:

"33-3-3. CONFINEMENT OF PRISONERS IN COUNTY WHERE OFFENSE COMMITTED. --

A. The jail or jails in each county shall be used or be available for the ~~[detention]~~ incarceration of every person who, within the same county, is charged with any crime or properly committed for trial or for the ~~[imprisonment]~~

underscored material = new  
[bracketed material] = delete

1 incarceration of every person who in conformity with sentence,  
2 upon conviction of an offense, may have been sentenced, and  
3 for the safekeeping of every person who shall be committed by  
4 competent authority according to law.

5 B. When a person under parole supervision by the  
6 corrections department is incarcerated in a county jail for a  
7 parole violation solely on the basis of an arrest and hold  
8 order or a warrant issued by the corrections department, or  
9 when a person is incarcerated in a county jail while awaiting  
10 transportation to the custody of the corrections department  
11 following the entry and filing of the written judgment and  
12 sentence and commitment to the corrections department, the  
13 local government division of the department of finance and  
14 administration shall reimburse the county for the expense of  
15 incarcerating that person as follows:

16 (1) a county shall receive reimbursement in  
17 an amount not to exceed thirty dollars (\$30.00) for each day  
18 that the person is incarcerated in a county jail;

19 (2) in each fiscal year, a county with one  
20 hundred thousand persons or more, as determined by the 2000  
21 United States census, shall not cumulatively receive more than  
22 fifty percent of the total amount of money allocated to all  
23 counties as reimbursement from the local government division  
24 of the department of finance and administration; and

25 (3) for each fiscal year, the total amount of

