1	SENATE JOINT MEMORIAL 39
2	49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010
3	INTRODUCED BY
4	Richard C. Martinez
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10	A JOINT MEMORIAL
11	REQUESTING A STUDY OF CURRENT NEW MEXICO LAW RELATING TO
12	MANAGING COUNTY JAIL OVERCROWDING.
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14	WHEREAS, the New Mexico legislature has passed measures
15	approving and requesting a study of current law about jail
16	overcrowding; and
17	WHEREAS, even so, no studies have resulted, and New
18	Mexico's jails remain seriously overcrowded; and
19	WHEREAS, meeting federal constitutional standards for jail
20	populations is demanding and expensive, but mandatory; and
21	WHEREAS, county taxpayers spent over one hundred fifty
22	million dollars (\$150,000,000) to feed, house, transport and
23	provide medical care to approximately seven thousand inmates in
24	New Mexico jails; and
25	WHEREAS, detention costs comprise approximately one-fourth
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of county general fund budgets; and

2 WHEREAS, county governments are facing increased 3 litigation costs due to unsafe conditions created by jail 4 overcrowding; and

WHEREAS, approximately one-half of all inmates housed in county jails were arrested within municipal boundaries by 7 municipal officers but became county inmates because they were 8 charged with state law crimes; and

9 WHEREAS, most inmates held in county jails spent almost 10 seven and one-half months, or two hundred twenty-four days, in 11 those jails; and

WHEREAS, after sentencing, an average jail inmate spends another nineteen days in jail before being transported to prison; and

WHEREAS, municipalities pay counties only a small fraction of the costs for feeding, clothing and housing inmates in county jails; and

WHEREAS, New Mexico laws establishing county jails were originally adopted in 1865 and 1866 when costs to maintain jails were minimal and each county jail contained only a few cells and a county sheriff was in charge; and

WHEREAS, statutes currently provide no authority to boards of county commissioners to set policy to effectively manage county jail populations, even when the facilities become overcrowded and unsafe; and

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WHEREAS, the New Mexico legislature, through the Corrections Population Control Act, has given authority to the secretary of corrections to address overcrowding issues in state prisons by allowing for early release of nonviolent offenders if the inmate population exceeds one hundred percent of the facility's rated capacity for a period of sixty consecutive days;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that it recognize the lack of statutory authority provided to county governments to effectively manage county jail populations; and

BE IT FURTHER RESOLVED that the interim legislative committee that studies corrections issues, in collaboration with the New Mexico association of counties and other criminal justice stakeholders, study current law relating to jail operations and report its findings to make recommendations for legislation prior to the first session of the fiftieth legislature; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the co-chairs of the New Mexico legislative council and the New Mexico association of counties.

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