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SENATE BILL 182

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO CORRECTIONS; ALLOWING THE CORRECTIONS INDUSTRIES  
DIVISION OF THE CORRECTIONS DEPARTMENT TO SELL PRODUCTS VALUED  
UNDER THREE HUNDRED DOLLARS (\$300) TWICE A YEAR; MAKING AN  
APPROPRIATION.

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

SECTION 1. Section 33-8-12 NMSA 1978 (being Laws 1981,  
Chapter 127, Section 12, as amended) is amended to read:

"33-8-12. PRODUCTS--SALE--LABELING REQUIREMENT--PENALTY--  
EXCEPTIONS.--

A. Except as otherwise provided in this section, no  
product or service manufactured or provided in whole or in part  
by inmate labor shall be sold or furnished except to a  
qualified purchaser; provided that such products may be resold  
by the user for purposes of salvage. As used in this

.195545.4SA

underscoring material = new  
[bracketed material] = delete

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1 subsection, "qualified purchaser" means:

- 2 (1) a state agency;
- 3 (2) local public bodies;
- 4 (3) the state agencies of other states and  
5 their local public bodies;
- 6 (4) agencies of the federal government;
- 7 (5) tribal and pueblo governments;
- 8 (6) nonprofit organizations properly  
9 registered under state law and supported wholly or in part by  
10 funds derived from public taxation;
- 11 (7) persons, partnerships, corporations or  
12 associations that provide public school transportation services  
13 to a state agency or local public body pursuant to contract;
- 14 (8) any business engaged primarily in the  
15 manufacture or resale of the same type of product;
- 16 (9) a person, partnership, corporation or  
17 association that provides correctional services to the  
18 [~~corrections~~] department pursuant to a contract; and
- 19 (10) a person, partnership, corporation or  
20 association that houses inmates on behalf of the [~~corrections~~]  
21 department.

22 B. Every product manufactured pursuant to the  
23 provisions of the Corrections Industries Act shall be  
24 distinctively identified as inmate-made by brand, label or mark  
25 consistent with the type and character of the product. Every

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1 product manufactured pursuant to the provisions of the  
2 Corrections Industries Act may be certified pursuant to the  
3 federal private sector prison industry enhancement  
4 certification program.

5 C. ~~Any~~ A person who violates the provisions of  
6 Subsection A of this section is guilty of a misdemeanor and  
7 upon conviction shall be sentenced to imprisonment in the  
8 county jail for a definite term not to exceed six months or to  
9 the payment of a fine of not more than one thousand dollars  
10 (\$1,000) or to both imprisonment and fine in the discretion of  
11 the judge.

12 D. The provisions of this section shall not apply  
13 to products produced pursuant to Section 33-8-13 NMSA 1978.

14 E. Notwithstanding the provisions of Subsection A  
15 of this section, to assure the most effective use of state-  
16 owned land, produce from agricultural and animal husbandry  
17 enterprises may be sold to commercial sources upon review and  
18 recommendation of the commission and pursuant to procedures,  
19 including audit, established by the secretary of finance and  
20 administration.

21 F. The corrections industries division of the  
22 department may sell products manufactured pursuant to the  
23 provisions of the Corrections Industries Act valued at a  
24 prevailing market price of three hundred dollars (\$300) or less  
25 to the general public twice a year. Proceeds from the sales

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1 shall be placed into the corrections industries revolving fund;  
2 a portion of the proceeds placed into the corrections  
3 industries revolving fund pursuant to this subsection shall be  
4 placed into the crime victims reparation fund."

5 SECTION 2. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2014.

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