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HOUSE BILL 253

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Eliseo Lee Alcon and Debbie A. Rodella

AN ACT

RELATING TO CORRECTIONS; PROVIDING FOR COMPENSATION FOR  
PENITENTIARY OF NEW MEXICO CORRECTIONAL OFFICERS WHO ARE OR  
WERE SUFFERING FROM POSTTRAUMATIC STRESS DISORDER RESULTING  
FROM THEIR INVOLVEMENT IN AND EXPERIENCE DURING THE FEBRUARY  
1980 PENITENTIARY RIOT; MAKING AN APPROPRIATION.

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

SECTION 1. ~~[NEW MATERIAL]~~ CORRECTIONAL OFFICERS--1980  
PRISON RIOT--POSTTRAUMATIC STRESS DISORDER--COMPENSATION--  
APPROPRIATION.--

A. A correctional officer who was employed and  
physically present at the penitentiary of New Mexico during the  
riot that occurred from February 2 to February 4, 1980, or, if  
deceased, the deceased's personal representative or other  
appropriate person as determined by the secretary of

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1 corrections, may be entitled to compensation as provided in  
2 this section.

3 B. The corrections department shall:

4 (1) identify surviving correctional officers,  
5 or, if any are deceased, the deceased's personal representative  
6 or other appropriate person as determined by the secretary of  
7 corrections, who were physically present at the penitentiary of  
8 New Mexico at the beginning of the riot and who were involved  
9 in and experienced any aspect of the riot;

10 (2) provide those correctional officers  
11 identified or personal representatives or other appropriate  
12 persons with notice of their potential eligibility for  
13 compensation as provided in this section; and

14 (3) create an application process and form  
15 that shall:

16 (a) require information necessary to  
17 establish the correctional officer's identity and the officer's  
18 presence at the penitentiary of New Mexico during the riot;

19 (b) provide details of any compensation  
20 that the correctional officer or the officer's estate received  
21 from the officer's involvement in and experience during the  
22 riot;

23 (c) create a rebuttable presumption of  
24 posttraumatic stress disorder as a result of the officer's  
25 involvement and experience during the riot;

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1 (d) set a reasonable deadline, but no  
2 later than June 30, 2017, for a correctional officer or other  
3 person receiving notice of potential eligibility for  
4 compensation to submit an application to the secretary of  
5 corrections for compensation pursuant to this section;

6 (e) establish a method of independent  
7 review of the rebuttable presumption of posttraumatic stress  
8 disorder diagnosis to confirm eligibility for compensation if  
9 the secretary of corrections determines a review is necessary;

10 (f) require a waiver and release from  
11 further claims against the state pursuant to this section; and

12 (g) provide for an informal hearing at  
13 which a correctional officer applicant, a personal  
14 representative or other appropriate person may be represented  
15 by counsel or other person of the applicant's choice if the  
16 secretary of corrections decides that more information from the  
17 applicant is needed before the secretary can make a decision on  
18 the application.

19 C. If the secretary of corrections decides that the  
20 application substantiates that the correctional officer or the  
21 officer's estate has successfully completed an application  
22 pursuant to this section, the secretary shall pay to the  
23 correctional officer, a personal representative or other  
24 appropriate person one hundred thousand dollars (\$100,000).

25 SECTION 2. APPROPRIATION.--One million five hundred

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1 thousand dollars (\$1,500,000) is appropriated from the general  
2 fund to the corrections department for expenditure in fiscal  
3 years 2017 and 2018 to carry out the purposes of Section 1 of  
4 this act; provided that no more than one hundred thousand  
5 dollars (\$100,000) shall be used for administration. Any  
6 unexpended or unencumbered balance remaining at the end of  
7 fiscal year 2018 shall revert to the general fund.

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