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AN ACT

RELATING TO THE CORRECTIONS INDUSTRIES DIVISION OF THE
CORRECTIONS DEPARTMENT; REMOVING THE PRICE LIMIT FOR SELLING
PRODUCTS; REMOVING THE LIMIT OF TWICE-YEARLY SALES.

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
subsection, "qualified purchaser" means:

- (1) a state agency;
- (2) local public bodies;
- (3) the state agencies of other states and
their local public bodies;
- (4) agencies of the federal government;
- (5) tribal and pueblo governments;
- (6) nonprofit organizations properly
registered under state law and supported wholly or in part by
funds derived from public taxation;

1 (7) persons, partnerships, corporations or
2 associations that provide public school transportation
3 services to a state agency or local public body pursuant to
4 contract;

5 (8) any business engaged primarily in the
6 manufacture or resale of the same type of product;

7 (9) a person, partnership, corporation or
8 association that provides correctional services to the
9 department pursuant to a contract; and

10 (10) a person, partnership, corporation or
11 association that houses inmates on behalf of the department.

12 B. Every product manufactured pursuant to the
13 provisions of the Corrections Industries Act shall be
14 distinctively identified as inmate-made by brand, label or
15 mark consistent with the type and character of the product.
16 Every product manufactured pursuant to the provisions of the
17 Corrections Industries Act may be certified pursuant to the
18 federal private sector prison industry enhancement
19 certification program.

20 C. A person who violates the provisions of
21 Subsection A of this section is guilty of a misdemeanor and
22 upon conviction shall be sentenced to imprisonment in the
23 county jail for a definite term not to exceed six months or
24 to the payment of a fine of not more than one thousand
25 dollars (\$1,000) or to both imprisonment and fine in the

1 discretion of the judge.

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

4 E. Notwithstanding the provisions of Subsection A
5 of this section, to assure the most effective use of
6 state-owned land, produce from agricultural and animal
7 husbandry enterprises may be sold to commercial sources upon
8 review and recommendation of the commission and pursuant to
9 procedures, including audit, established by the secretary of
10 finance and administration.

11 F. The corrections industries division of the
12 department may sell products manufactured pursuant to the
13 provisions of the Corrections Industries Act to the general
14 public; provided that all inmate labor used in the production
15 of any products offered to the general public is voluntary
16 and not compelled. All sales to the general public shall
17 take place on corrections industries division property.
18 Sales to the general public shall not be conducted online or
19 by mail order. Proceeds from the sales shall be placed into
20 the corrections industries revolving fund; a portion of the
21 proceeds placed into the corrections industries revolving
22 fund pursuant to this subsection shall be placed into the
23 crime victims reparation fund."

24 SECTION 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2017. _____