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FISCAL IMPACT REPORT

SPONSOR	<u>Swisstack</u>	ORIGINAL DATE	<u>01/24/08</u>	LAST UPDATED	<u></u>	HJM	<u>22</u>
SHORT TITLE	<u>Study County Jail Overcrowding & Related Law</u>				SB	<u></u>	
						ANALYST	<u>Padilla</u>

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Joint Memorial 22 requests that a legislative study of current New Mexico law relating to managing county jail overcrowding take place. HJM 22 proposes that the Legislature of the State of New Mexico recognize the lack of statutory authority provided to county governments to manage effectively county jail populations and that the State of New Mexico direct the Interim Legislative Committee that studies corrections issues, in collaboration with the New Mexico Association of Counties, to study current law relating to jail operations, report its findings and make recommendations for legislation prior to the first session of the 49th Legislature. A copy of this Memorial is to be transmitted to the governor, Co-Chairs of the New Mexico Legislative Council and the New Mexico Association of Counties.

SIGNIFICANT ISSUES

HJM 22 states that county jails in New Mexico are overcrowded and taxpayers struggle to meet the costs of compliance with federal constitutional standards for confinement of inmates. It is estimated that in 2007, New Mexico county taxpayers spent over \$150,000,000 to house, transport, feed, and provide medical care to approximately 7,000 inmates in county jails. Across the board, county taxpayers pay approximately \$30,000,000 per year to house state prisoners in county jails.

Unsafe conditions are a concern for county governments who are facing increased litigation costs due to unsafe conditions created by overcrowded jails. A reported one-half of all inmates housed in county jails were arrested within municipal boundaries by municipal officers; however, they became county inmates because they were charged with crimes under state law and, therefore, municipalities pay counties only a small fraction of the costs for the inmates.

HJM 22 states that most inmates held in county jails spent almost seven and one-half months, 224 days, in jail before and after sentencing. An average jail inmate spends another 19 days in jail before being transported to prison.

Laws in the State of New Mexico establishing county jails were originally adopted in 1865 and

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1866, when costs to maintain jails were minimal and each county jail contained only a few cells and were operated by the County Sheriff. Currently, New Mexico statutes do not provide authority to Boards of County Commissioners to set policy to manage effectively county jail populations, even when the facilities become overcrowded and unsafe, according to HJM 22.

HJM 22 further states that 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 100 percent of the facilities' rated capacity for a period of 60 consecutive days.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The consequences of not enacting this bill will be the status quo regarding the current overcrowding issues facing county jails and the burden to tax payers.

JRP/bb