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HOUSE JOINT MEMORIAL 79

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY
TIMOTHY E. MACKO

A JOINT MEMORIAL

REQUESTING THAT PRESIDENT CLINTON RENEGOTIATE THE TERMS OF THE
TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED
MEXICAN STATES ON THE EXECUTION OF PENAL SENTENCES.

WHEREAS, the New Mexico correctional system has an inmate
population that threatens to exceed the rated capacity of
available correctional facilities; and

WHEREAS, the New Mexico correctional system remains subject
to supervision by the United States district court, pursuant to
the provisions of the Duran consent decree; and

WHEREAS, the Duran consent decree will not be vacated until
the state of New Mexico addresses its inmate population problem;
and

WHEREAS, one method for alleviating the inmate population
problem would be to transfer Mexican nationals currently

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1 incarcerated in the New Mexico correctional system back to
2 Mexico; and

3 WHEREAS, on September 25, 1995 there were at least two
4 hundred twenty-eight Mexican nationals incarcerated in the New
5 Mexico correctional system at an approximate cost of twenty-
6 eight thousand dollars (\$28,000) annually per inmate; and

7 WHEREAS, pursuant to the provisions of the "Treaty Between
8 the United States of America and the United Mexican States on
9 the Execution of Penal Sentences", a Mexican national
10 incarcerated in the United States may be transferred to Mexico
11 only if the offender gives his express consent for the transfer;
12 and

13 WHEREAS, renegotiation of that provision, and perhaps
14 others in the treaty, would make it easier to transfer Mexican
15 nationals incarcerated in New Mexico back to Mexico;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that President Clinton be respectfully
18 requested to renegotiate the terms of the "Treaty Between the
19 United States of America and the United Mexican States on the
20 Execution of Penal Sentences" to make it easier to transfer
21 Mexican nationals incarcerated in New Mexico back to Mexico; and

22 BE IT FURTHER RESOLVED that the United States senate be
23 respectfully requested to concur with the proposed changes to
24 the treaty, as prescribed in Article 3, Section 2 of the
25 constitution of the United States; and

. 112109. 1

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BE IT FURTHER RESOLVED that copies of this memorial be transmitted to President Clinton, Senator Domenici and Senator Bingaman.