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HOUSE BILL 638

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RITA G. GETTY

AN ACT

RELATING TO CORRECTIONS; AMENDING THE INMATE LITERACY ACT TO REQUIRE CERTAIN INMATES TO PARTICIPATE IN GENERAL EDUCATION EQUIVALENCY AND VOCATIONAL EDUCATION PROGRAMS.

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

Section 1. Section 33-11-3 NMSA 1978 (being Laws 1988, Chapter 78, Section 3) is amended to read:

"33-11-3. REGULATIONS. -- The corrections department, by ~~[July 1, 1988]~~ December 31, 1997, shall adopt rules and regulations for all adult correctional institutions operated by the department or by a private company pursuant to a contract with the corrections department, for the implementation of a mandatory education program for all inmates to attain a minimum education standard as set forth in this section.

A. The regulations shall apply only to ~~[any]~~ an

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1 inmate who [~~(1)~~] commits a crime after the effective date of the
2 Inmate Literacy Act and either:

3 [~~(2)~~] ~~has eighteen months or more remaining to~~
4 ~~be served on his sentence of incarceration; and either~~

5 ~~(3)~~] (1) is not exempted due to a medical,
6 developmental or learning disability; or

7 [~~(4)~~] (2) does not possess a general education
8 diploma or a high school diploma.

9 B. The regulations adopted shall require that:

10 [~~(1)~~] ~~a minimum education standard shall be met~~
11 ~~beginning in 1988 and in all subsequent years:~~

12 ~~(a) in 1988, the education standard shall~~
13 ~~be the equivalent of grade six in reading and math on the test~~
14 ~~of adult basic education;~~

15 ~~(b) in 1989, the education standard shall~~
16 ~~be the equivalent of grade seven in reading and math on the test~~
17 ~~of adult basic education;~~

18 ~~(c) in 1990, the education standard shall~~
19 ~~be the equivalent of grade eight in reading and math on the test~~
20 ~~of adult basic education; and~~

21 ~~(d) in 1991,]~~

22 (1) the education standard shall be a high
23 school diploma or a general education diploma;

24 (2) inmates who meet the criteria in Subsection
25 A of this section shall be required to participate in education

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1 programs ~~[for ninety days. After ninety days, inmates may~~
2 ~~choose to withdraw from educational programs but will be subject~~
3 ~~to the provisions of Paragraph (3) of Subsection B of this~~
4 ~~section]~~ until the education standard of Paragraph (1) of this
5 subsection has been met; and

6 (3) notwithstanding any other provision of law,
7 ~~[inmates]~~ an inmate who ~~[are]~~ is subject to these regulations
8 but who ~~[refuse]~~ refuses or ~~[choose]~~ chooses not to participate
9 shall not be eligible for monetary compensation for work
10 performed or for meritorious ~~[deduction]~~ deductions as set forth
11 in Subsection A of Section 33-2-34 NMSA 1978.

12 C. The regulations adopted shall also provide that
13 an inmate who does not possess an associate or baccalaureate
14 degree from an accredited post-secondary institution may
15 participate in a vocational education program approved by the
16 state department of public education. Inmates who meet the
17 criteria in Subsection A of this section but who choose not to
18 participate shall not be eligible for monetary compensation for
19 work performed or for meritorious deductions as set forth in
20 Subsection A of Section 33-2-34 NMSA 1978.

21 ~~[C-]~~ D. The regulations may ~~[(1)]~~ exclude any inmate
22 who has been incarcerated for less than ninety days in an
23 institution controlled by the corrections department.

24 ~~[(2) exclude any inmate who is assigned a~~
25 ~~minimum custody classification; or~~

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~~(3) defer educational requirements for inmates
with sentences longer than ten years.]"~~

Section 2. EFFECTIVE DATE. -- The effective date of the
provisions of this act is July 1, 1997.

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 17, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 638

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 17, after "A" insert "(1)".,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 2 Against

Yes: 8

No: Larranaga, Pederson

Excused: Alwin, Rios, Foy

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 638, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 3 Against

Yes: 6

No: Buffett, Pearce, Townsend

Excused: Bird, Coll, Heaton, Knowles, Marquardt, Salazar,
Varela, Watchman

Absent: None

M \H0638

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