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HOUSE BILL 880

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

INTRODUCED BY

DANNY CARPENTER

AN ACT

RELATING TO PUBLIC SAFETY; PROVIDING FOR THE CONFINEMENT OF PRISONERS IN COUNTY AND MUNICIPAL JAILS.

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

Section 1. Section 33-3-13 NMSA 1978 (being Laws 1889, Chapter 8, Section 1, as amended) is amended to read:

"33-3-13. PRISONERS ~~[WAITING]~~ AWAITING TRIAL- - CONFINEMENT IN COUNTY JAIL. --All persons charged with crime committed in the state, while awaiting indictment or trial on such charge, shall be incarcerated in the county jail of the county wherein ~~[such]~~ the crime is alleged to have been committed or any facility operated by ~~[agreement between such counties or municipalities]~~ any county or municipality, except that such persons may be temporarily imprisoned in such other places of confinement while being conveyed or awaiting conveyance by the sheriff of the

Underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 proper county to the jail of the proper county; provided that
2 the sheriff or jail administrator of any county, having the
3 custody of anyone charged with the commission of crime, shall be
4 authorized to remove such person to another county jail or any
5 other place of safety when in the opinion of the sheriff or jail
6 administrator the life of such person or others is in imminent
7 danger; provided further that this section shall not prevent a
8 person being confined in a jail other than the one belonging to
9 the county in which the crime charged is alleged to have been
10 committed when such person is confined in such other jail in
11 consequence of having taken a change of venue to such other
12 county. "

13 Section 2. Section 33-3-14 NMSA 1978 (being Laws 1889,
14 Chapter 8, Section 2, as amended) is amended to read:

15 "33-3-14. WHICH COUNTY TO PAY EXPENSE -- ~~[SEC. 18.]~~
16 Whenever any person ~~[shall be]~~ is imprisoned in any ~~[county]~~
17 facility operated by any county or municipality other than the
18 county in which the crime is alleged to have been committed ~~[in~~
19 ~~violation of this Chapter]~~, the expense of such imprisonment
20 shall be ~~[borne by]~~ shifted from the proper county to the county
21 in which ~~[such]~~ the person is ~~[so]~~ imprisoned. Provided, that
22 whenever any prisoner ~~[shall be]~~ is removed to another county
23 under the provisions of ~~[the preceding]~~ Section 33-3-13 NMSA
24 1978 then, and in such case, the expense of removal and keeping
25 ~~[such]~~ the prisoner shall be paid by the county from which

1 [such] the prisoner was [so] removed. "

2 Section 3. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 1997.

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 3, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 880

has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL
880

DO PASS, 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 0 Against

Yes: 8

Excused: Alwin, King, Mallory, Rios, Sanchez

Absent: None

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 880

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

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be incarcerated in the county jail of the county wherein ~~[such]~~
the crime is alleged to have been committed or any facility
operated by ~~[agreement between such counties or municipalities]~~
any county or municipality, except that such persons may be
temporarily imprisoned in such other places of confinement while
being conveyed or awaiting conveyance ~~[to the jail of the proper~~
county] by the sheriff of the county where the crime is alleged
to have been committed; provided that the sheriff or jail
administrator of any county, having the custody of anyone

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1 charged with the commission of crime, shall be authorized to
2 remove such person to another county jail or any other place of
3 safety when in the opinion of the sheriff or jail administrator
4 the life of such person or others is in imminent danger;
5 provided further that this section shall not prevent a person
6 being confined in a jail other than the one belonging to the
7 county in which the crime charged is alleged to have been
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15 facility operated by any county or municipality other than the
16 county in which the crime is alleged to have been committed ~~[in a~~
17 ~~violation of this chapter]~~, the expense of such imprisonment
18 shall be borne by the county ~~[in which such person is so~~
19 ~~imprisoned]~~ where the crime is alleged to have been committed
20 Provided, that whenever any prisoner ~~[shall be]~~ is removed to
21 another county under the provisions of ~~[the preceding]~~ Section
22 33-3-13 NMSA 1978 then, and in such case, the expense of removal
23 and keeping ~~[such]~~ the prisoner shall be paid by the county from
24 which ~~[such]~~ the prisoner was ~~[so]~~ removed. "

25 Section 3. EFFECTIVE DATE. -- The effective date of the
provisions of this act is July 1, 1997.