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BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

DISCUSSION DRAFT

FOR THE CRIMINAL JUSTICE REFORM SUBCOMMITTEE

AN ACT

RELATING TO CORRECTIONS; EXPANDING THE AVAILABILITY TO EARN A
HIGH SCHOOL EQUIVALENCY CREDENTIAL FOR INCARCERATED
INDIVIDUALS.

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.--

A. The corrections department, by July 1, 1988,
shall adopt regulations for all adult correctional institutions
operated by the 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.]~~ B. The regulations shall apply only to any
inmate who:

.197889.2

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 [~~(1)~~ commits a crime after the effective date
2 of the Inmate Literacy Act; and

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~~
8 ~~education diploma~~] high school equivalency credential or a high
9 school diploma.

10 [~~B.~~] C. The regulations adopted shall require that:

11 (1) a minimum education standard shall be met
12 beginning in 1988 and in all subsequent years as follows:

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

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

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

22 (d) in 1991, the education standard
23 shall be a high school diploma or a [~~general education diploma~~]
24 high school equivalency credential;

25 (2) inmates who meet the criteria in

.197889.2

underscored material = new
[bracketed material] = delete

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

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

12 [~~G. The regulations may:~~

13 (1) ~~exclude any inmate who has been~~
14 ~~incarcerated for less than ninety days in an institution~~
15 ~~controlled by the corrections department;~~

16 (2) ~~exclude any inmate who is assigned a~~
17 ~~minimum custody classification; or~~

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