

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>2/12/2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB 376</u>

Sponsor:	<u>Rep. Antonio "Moe" Maestas</u>	Agency Code:	<u>Attorney General's Office</u>
Short Title:	<u>Restrict Isolated Confinement in Prisons</u>	Person Writing	<u>James Torres</u>
		Phone:	<u>827-6064</u>
		Email	<u>jtorres@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

HB 376 proposes to restrict the use of isolated confinement (lasting over twenty-two hours) in correctional facilities by limiting the type of inmates eligible for such confinement and the duration of time that any inmate may spend in isolated confinement. This bill prohibits inmates under the age of eighteen, as well as inmates with serious mental illness (defined in great detail using standards set by the American Psychiatric Association), from being housed in isolated confinement. Further, no inmate shall be housed in isolated confinement for more than “fifteen consecutive days and a total of sixty days in a twelve-month period.”

Every three months, correctional facilities would be mandated to report to the relevant county commission and the legislature the name and age of all inmates housed in isolated confinement, as well as the duration of time of confinement, the number of days confined in the preceding three months, the reasoning for confinement, and whether that inmate has a serious mental illness. Private correctional facilities would further be required to report all monetary settlements paid to inmates and former inmates resulting from lawsuits filed against the private correctional facility.

FISCAL IMPLICATIONS

N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

To alleviate possible ambiguity surrounding the intent behind Section 3(C), clarification may be considered as to which of the following outcomes is proscribed:

1. Inmates in correctional facilities shall not be housed in isolated confinement for more than fifteen consecutive days and shall not be housed in isolated confinement for a total of sixty days in a twelve-month period.

OR

2. Inmates in correctional facilities shall not be housed in isolated confinement for more than fifteen consecutive days and a total of sixty days in a twelve-month period, but may be confined for durations exceeding one or the other of those conditions.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

Addressed above

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS