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AN ACT
RELATING TO CORRECTIONS; ALLOWING THE CORRECTIONS INDUSTRIES
DIVISION OF THE CORRECTIONS DEPARTMENT TO SELL PRODUCTS
VALUED UNDER THREE HUNDRED DOLLARS (\$300) TWICE A YEAR;
MAKING AN APPROPRIATION.

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

SECTION 1. Section 33-8-12 NMSA 1978 (being Laws 1981,
Chapter 127, Section 12, as amended) is amended to read:

"33-8-12. PRODUCTS--SALE--LABELING REQUIREMENT--
PENALTY--EXCEPTIONS.--

A. Except as otherwise provided in this section,
no product or service manufactured or provided in whole or in
part by inmate labor shall be sold or furnished except to a
qualified purchaser; provided that such products may be
resold by the user for purposes of salvage. As used in this
subsection, "qualified purchaser" means:

- (1) a state agency;
- (2) local public bodies;
- (3) the state agencies of other states and
their local public bodies;
- (4) agencies of the federal government;
- (5) tribal and pueblo governments;
- (6) nonprofit organizations properly
registered under state law and supported wholly or in part by
funds derived from public taxation;
- (7) persons, partnerships, corporations or
associations that provide public school transportation
services to a state agency or local public body pursuant to
contract;

1 (8) any business engaged primarily in the
2 manufacture or resale of the same type of product;

3 (9) a person, partnership, corporation or
4 association that provides correctional services to the
5 department pursuant to a contract; and

6 (10) a person, partnership, corporation or
7 association that houses inmates on behalf of the department.

8 B. Every product manufactured pursuant to the
9 provisions of the Corrections Industries Act shall be
10 distinctively identified as inmate-made by brand, label or
11 mark consistent with the type and character of the product.
12 Every product manufactured pursuant to the provisions of the
13 Corrections Industries Act may be certified pursuant to the
14 federal private sector prison industry enhancement
15 certification program.

16 C. A person who violates the provisions of
17 Subsection A of this section is guilty of a misdemeanor and
18 upon conviction shall be sentenced to imprisonment in the
19 county jail for a definite term not to exceed six months or
20 to the payment of a fine of not more than one thousand
21 dollars (\$1,000) or to both imprisonment and fine in the
22 discretion of the judge.

23 D. The provisions of this section shall not apply
24 to products produced pursuant to Section 33-8-13 NMSA 1978.

25 E. Notwithstanding the provisions of Subsection A
of this section, to assure the most effective use of
state-owned land, produce from agricultural and animal
husbandry enterprises may be sold to commercial sources upon
review and recommendation of the commission and pursuant to
procedures, including audit, established by the secretary of

1 finance and administration.

2 F. The corrections industries division of the
3 department may sell products manufactured pursuant to the
4 provisions of the Corrections Industries Act valued at a
5 prevailing market price of three hundred dollars (\$300) or
6 less to the general public twice a year. Proceeds from the
7 sales shall be placed into the corrections industries
8 revolving fund; a portion of the proceeds placed into the
9 corrections industries revolving fund pursuant to this
10 subsection shall be placed into the crime victims reparation
11 fund."

12 SECTION 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2014.
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