



HB 40 Private Detention Facility Moratorium Act

Summary: HB 40 would prohibit the operation and management of a detention facility in New Mexico by a private contractor – it would make private incarceration illegal. No state or local government entity could enter into new contracts or renew, extend, or expand any existing agreements between private contractors and New Mexico government bodies.

History: In the 1990s, New Mexico witnessed one of the nation’s biggest surges in the use of private prisons. New facilities were built under the untested pretext that rural prison hosting would drive economic growth and create jobs. In 2017, New Mexico incarcerated 53% of the state’s prison population in private facilities, while the nationwide average was 8.2%. Today, New Mexico remains the state most reliant on private prisons. Privatized detention facilities in New Mexico are operated not only for counties and the Department of Corrections, but also for Immigration and Customs Enforcement and the U.S. Marshals.

Why HB 40 Is Good for NM

Private Prisons:

- Are more expensive, overcharging the state for their services while local economies suffer demonstrably from the economic drains of these facilities;
- Maneuver in and out of contracts to try to maintain their profits, fail to pay fines by the state, and New Mexico has been unable to hold these corporations accountable;
- Are responsible for egregious abuses of human and civil rights, creating poor and dangerous conditions; find other populations to detain, such as immigrants, and will continue to drive mass incarceration.

In 2012, private prison contractors GEO Group and Corrections Corporation of America (now CoreCivic) incurred \$1.6 million in penalties in New Mexico for understaffing, contract violations, and holding inmates beyond their release date. New Mexico had to sue these private contractors for unpaid penalties and fines.

Lobbyists Opposing This Bill Will Tell You that Private Prisons Create Jobs & Stimulate Local Economies

- In the two New Mexico counties with the highest number of private prison beds, Cibola and Otero County, the establishment of prisons there produced no positive impact on employment rates.
- The few jobs produced are of poor quality and often do not go to local communities. In fact, much of the work to maintain facilities is done by those imprisoned or detained for little to no pay, benefiting private prison contractors but not our communities.

Supporting Organizations

- New Mexico Center on Law and Poverty
- Olé New Mexico
- Working Families Party of New Mexico
- People Over Private Prisons, a Coalition comprised of: AFSCME, NM/CO; NM ACLU; CAFÉ; Center for Civic Policy; El CENTRO de Igualdad y Derechos; NM Dream Team; NM Immigration Law Center; Santa Fe Dreamers; Santa Fe Faith Network for Immigrant Justice and several national prison reform organizations.

Building grassroots power to successfully advocate for social, racial, environmental, and economic justice.

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