

 <p><b>CD-150700</b></p>	<p align="center"><b>NEW MEXICO CORRECTIONS DEPARTMENT</b></p> <p align="center"><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i></p> <p align="center"> <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico </p>	
	<b>ISSUE DATE:</b> 02/27/84	<b>REVIEW/REVISED:</b> 06/09/16
	<b>EFFECTIVE DATE:</b> 02/27/84	
<b>TITLE: Inmate Marriages</b>		

**AUTHORITY:**

- A. NMSA 1978, Section 33-1-6, and Sections 40-1-1 through -20, as amended.
- B. Policy *CD-010100*.

**REFERENCE:**

Turner v. Safley, 482, U.S. 78 (1987), 107 S. Ct. 2254, L Ed.2d 64

**PURPOSE:**

To establish procedures to be followed when an inmate requests permission to marry in a corrections institution.

**APPLICABILITY:**

Wardens, Assistant Wardens, Chaplains, classification supervisors, classification officers and all inmates.

**FORMS:**

**Marriage Request** form (*CD-150701.1*)

**ATTACHMENTS:**

None

**DEFINITIONS:**

None

**POLICY:**

Eligible inmates will be allowed to marry, subject to the security needs of the institution.



Gregg Marcantel. Secretary of Corrections  
New Mexico Corrections Department

06/09/16  
Date

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**AUTHORITY:**  
Policy *CD-150700*

**PROCEDURES:**

**A. General Guidelines:**

1. Inmates will not be permitted to marry other incarcerated individuals.
2. Inmates under sentence of death are not eligible to marry.
3. The inmate must be eligible to marry the proposed spouse in accordance with the laws of the State.
4. The marriage ceremony and the prerequisites to its performance must comply with the laws of the State.
5. Inmates in disciplinary segregation shall not be eligible to marry during the period of disciplinary confinement.
6. Inmates that are classified as Special Management, including the Mental Health Treatment Center, may marry by proxy as provided in B. Inmate Responsibilities.

**B. Inmate Responsibilities:**

1. The requesting inmate will submit a written request to the Warden or designee through his or her respective Classification Officer or Unit Manager at least sixty (60) days prior to the proposed marriage.
2. The request will include the name of the proposed spouse, proposed date, and name of the individual who will perform the ceremony.
3. The inmate and proposed spouse are responsible for securing the marriage license and arranging for an individual to perform the ceremony.
4. The inmate, proposed spouse, or family members shall pay all expenses in connection with the marriage.

**C. Institutional Responsibilities:**

1. The institution will set the date, time, and place for the wedding.

- a. The institution may limit the performance of ceremonies to certain days of the week, e.g., days the visiting room is not in use.
  - b. The institution will designate a location for the ceremony consistent with the security status of the inmate.
  - c. If, for security reasons, the proposed spouse cannot be allowed on institutional grounds, a marriage ceremony by proxy shall be considered.
2. The institution will make no requirement that the inmate and/or proposed spouse participate in pre-marital counseling or other precondition, unless there is a stated and legitimate penological reason to do so.
  3. The institutional chaplain will not perform marriage ceremonies for inmates.

**D. Marriage Ceremonies for Level III and Level IV Inmates:**

Level III and Level IV inmates may marry at the institution subject to the provisions of paragraphs A, B, and C above.

1. The marriage will take place in a secure area of the institution.
2. Lay persons present at the ceremony will be limited to the proposed spouse, the officiant, and four immediate relatives.
  - a. All immediate relatives must be on the inmate's approved visiting list.
  - b. No other inmate will be eligible to attend the ceremony in any capacity.
3. No flowers or refreshments will be allowed.
4. The inmate may wear only the State-issued uniform, not civilian clothing.
5. Wedding rings may be brought to the ceremony by the proposed spouse or witnesses in accordance with **Inmate Property** policy (*CD-150200*).
6. No camera will be permitted.

**E. Marriage Ceremonies for Level I and Level II Inmates:**

Level I and Level II inmates may marry at the institution subject to the provisions of paragraphs A, B, and C above.

1. Laypersons present at the ceremony will be limited to the proposed spouse, the officiant, and six immediate relatives.

2. Flowers, cake, and beverages will be permitted if authorized in advance and paid for by the inmate/proposed spouse. The institution may require that the refreshments (i.e., cola) be purchased from the institutional food service provider.
3. Only Level I inmates may wear civilian clothing.
4. Wedding rings may be brought to the ceremony by the proposed spouse or witnesses in accordance with **Inmate Property** policy (*CD-150200*).
5. One camera may be brought to the institution to photograph the ceremony. It must be empty to allow for inspection. Film must be in its factory-sealed container.



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Gregg Marcantel, Secretary of Corrections  
New Mexico Corrections Department

06/09/16  
Date

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Marriage Request**

Inmate's Name: \_\_\_\_\_ NMCD#: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby request permission to marry: \_\_\_\_\_  
(Name of Proposed Spouse)

Whose address and phone number is: \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_

on or about \_\_\_\_\_ at \_\_\_\_\_  
(Date Requested) (Time Requested)

Name of person to perform ceremony: \_\_\_\_\_

who is affiliated with \_\_\_\_\_ as \_\_\_\_\_  
(Organization) (Position or Title)

Names of Witnesses: \_\_\_\_\_  
(**Note:** *Witnesses must be on approved visiting list.*)

Names of Guests: \_\_\_\_\_  
(**Note:** *Guests must be on approved visiting list.*)

I affirm that there is no legal barrier to this marriage. I have read **Inmate Marriages** procedure (*CD-150701*) and understand and accept the responsibilities and restrictions contained in it.

Inmate's Signature: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Caseworker: \_\_\_\_\_

Approved [ ] Disapproved [ ] **Religious Coordinator:** \_\_\_\_\_

Reason: \_\_\_\_\_

Approved [ ] Disapproved [ ] **Deputy Warden:** \_\_\_\_\_

Marriage License Secured: [ ] Yes [ ] No

Reason: \_\_\_\_\_

Approved [ ] Disapproved [ ] **Warden:** \_\_\_\_\_

Reason: \_\_\_\_\_

Confirmed date, time, and location are: \_\_\_\_\_