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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CORRECTIONS; ENACTING THE HALFWAY HOUSE AND
TRANSITIONAL RESIDENTIAL FACILITY ACT; REQUIRING THE
CORRECTIONS DEPARTMENT TO CONSTRUCT OR LEASE AND OPERATE, OR
CONTRACT WITH A THIRD PARTY TO OPERATE, A MINIMUM OF ONE
HALFWAY HOUSE AND ONE TRANSITIONAL LIVING FACILITY IN EACH
PROBATION AND PAROLE REGION; CREATING THE HALFWAY HOUSE AND
TRANSITIONAL RESIDENTIAL FACILITY BUILDING FUND; MAKING AN
APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Halfway House and Transitional Residential
Facility Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Halfway House and Transitional Residential Facility Act:

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1 A. "department" means the corrections department;

2 B. "halfway house" means a residential facility
3 operated by or under contract with the department to provide
4 housing and supervision to persons released on parole;

5 C. "release-eligible inmate" means an inmate who is
6 eligible for parole or supervised release to the community but
7 who is serving a parole term pursuant to Section 31-21-10 NMSA
8 1978 within a correctional facility operated by the department;

9 D. "transitional residential facility" means a
10 facility operated by or under contract with the department to
11 provide housing, supervision and in-house programmatic support
12 to persons released on parole or transferred from a
13 correctional facility operated by the department; and

14 E. "validated risk and needs assessment" means an
15 actuarial tool scientifically proven to determine a person's
16 risk to reoffend and criminal risk factors, that, when properly
17 addressed, can reduce that person's likelihood of committing
18 future criminal behavior.

19 SECTION 3. [NEW MATERIAL] DUTY TO ESTABLISH AND OPERATE
20 HALFWAY HOUSES AND TRANSITIONAL LIVING FACILITIES.--The
21 department shall:

22 A. promulgate rules dividing the state into
23 probation and parole regions, composed of one or more judicial
24 districts;

25 B. construct or lease and operate, or contract with

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1 a third party to operate, at least one halfway house and one
2 transitional residential facility in each probation and parole
3 region by January 1, 2016; and

4 C. promulgate rules necessary to implement the
5 provisions of the Halfway House and Transitional Residential
6 Facility Act.

7 SECTION 4. [NEW MATERIAL] HOUSING PAYMENTS--FEE SCALE.--

8 The department shall:

9 A. collect a housing payment from each person
10 residing in a halfway house or transitional residential
11 facility based on a sliding fee scale that shall be established
12 by the department and that shall take into account each
13 person's financial ability to pay; and

14 B. deposit payments collected pursuant to this
15 section into the halfway house and transitional residential
16 facility building fund.

17 SECTION 5. [NEW MATERIAL] REHABILITATION AND

18 PROGRAMMING.--The department shall:

19 A. make available to each person residing in a
20 halfway house or transitional residential facility the
21 opportunity to participate in a program to obtain a high school
22 equivalency credential if the person does not already possess a
23 high school equivalency credential or a high school diploma;
24 and

25 B. require each person residing in a transitional

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1 residential facility to participate in programs that enhance
2 the rehabilitation, education and vocational skills of the
3 person, as determined by a validated risk and needs assessment.

4 SECTION 6. [NEW MATERIAL] EDUCATION AND EMPLOYMENT.--The
5 department shall require each person residing in a halfway
6 house or a transitional residential facility to maintain at
7 least part-time employment or part-time enrollment in an
8 educational program.

9 SECTION 7. [NEW MATERIAL] ELIGIBILITY.--The department
10 shall establish criteria concerning eligibility for halfway
11 houses and transitional living facilities, provided that the
12 department shall give priority to the following:

- 13 A. release-eligible inmates;
14 B. nonviolent offenders, as that term is defined in
15 Section 33-2A-3 NMSA 1978;
16 C. inmates within one year of scheduled release;
17 and
18 D. any other inmates as determined at the
19 discretion of the department.

20 SECTION 8. [NEW MATERIAL] ELECTRONIC MONITORING.--The
21 department may require electronic monitoring of any person
22 residing in a halfway house or transitional living facility.

23 SECTION 9. [NEW MATERIAL] FAILURE TO COMPLY.--A person
24 who fails to comply with any of the provisions of the Halfway
25 House and Transitional Residential Facility Act or rules

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1 promulgated by the department may be removed from the halfway
2 house or transitional residential facility at the discretion of
3 the department and returned to a correctional facility.

4 SECTION 10. [NEW MATERIAL] HALFWAY HOUSE AND TRANSITIONAL
5 RESIDENTIAL FACILITY BUILDING FUND--CREATED.--The "halfway
6 house and transitional residential facility building fund" is
7 created in the state treasury. The fund consists of money
8 appropriated by the legislature, income from investment of the
9 fund, payments collected pursuant to Section 4 of the Halfway
10 House and Transitional Residential Facility Act and any other
11 revenues that are appropriated to the fund. The fund shall be
12 used by the department for the purpose of acquiring, designing,
13 constructing, maintaining or equipping halfway houses and
14 transitional residential facilities as defined by the Halfway
15 House and Transitional Residential Facility Act. Before the
16 fund may be used for any such purpose, the state board of
17 finance shall approve the proposed facility and the proposed
18 use of the funds. Money in the fund shall not revert to any
19 other fund at the end of a fiscal year and shall not be
20 transferred to another fund or encumbered or disbursed in any
21 manner except as provided in the Halfway House and Transitional
22 Residential Facility Act.