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SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CORRECTIONS; ENACTING THE HALFWAY HOUSE AND
TRANSITIONAL RESIDENTIAL FACILITY ACT; REQUIRING THE
CORRECTIONS DEPARTMENT TO OPERATE OR CONTRACT WITH A THIRD
PARTY TO OPERATE HALFWAY HOUSES OR TRANSITIONAL RESIDENTIAL
FACILITIES.

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:

- A. "department" means the corrections department;
- B. "halfway house" means a residential facility
operated by or under contract with the department to provide

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1 housing and supervision to persons released on parole;

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

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

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

16 SECTION 3. [NEW MATERIAL] DUTY TO ESTABLISH AND OPERATE
17 HALFWAY HOUSES AND TRANSITIONAL RESIDENTIAL FACILITIES.--The
18 department shall:

19 A. promulgate rules dividing the state into no
20 fewer than four probation and parole regions, composed of one
21 or more judicial districts;

22 B. operate or contract with a third party to
23 operate at least one halfway house or transitional residential
24 facility in each probation and parole region by July 1, 2022.

25 In establishing the halfway houses and transitional residential

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1 facilities, the department shall consider the needs of both the
2 male and female inmate populations; and

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

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

7 A. The department shall:

8 (1) collect a housing payment from each person
9 residing in a halfway house or transitional residential
10 facility operated by the department based on a sliding fee
11 scale that shall be established by the department and that
12 shall take into account each person's financial ability to pay;
13 provided that no person who is otherwise eligible for housing
14 in a halfway house or transitional residential facility shall
15 be denied housing based solely on inability to pay; and

16 (2) deposit payments collected pursuant to
17 this subsection into the general fund.

18 B. If the department contracts with a third party
19 to operate a halfway house or transitional residential
20 facility, the department shall require the third-party
21 contractor to collect a housing payment from each person
22 residing in the halfway house or transitional residential
23 facility based on a sliding fee scale that shall be established
24 by the department and shall take into account each person's
25 financial ability to pay; provided that no person who is

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1 otherwise eligible for housing in a halfway house or
2 transitional residential facility shall be denied housing based
3 solely on inability to pay.

4 SECTION 5. [NEW MATERIAL] REHABILITATION AND
5 PROGRAMMING.--The department shall:

6 A. make available to each person residing in a
7 halfway house or transitional residential facility the
8 opportunity to participate in a program to obtain a high school
9 equivalency credential if the person does not already possess a
10 high school equivalency credential or a high school diploma;
11 and

12 B. require each person residing in a transitional
13 residential facility to participate in programs that enhance
14 the rehabilitation, education and vocational skills of the
15 person, as determined by a validated risk and needs assessment.

16 SECTION 6. [NEW MATERIAL] ELIGIBILITY.--The department
17 shall establish criteria concerning eligibility for halfway
18 houses and transitional residential facilities; provided that
19 the department shall give priority to the following:

- 20 A. release-eligible inmates;
- 21 B. nonviolent offenders, as that term is defined in
22 Section 33-2A-3 NMSA 1978; and
- 23 C. any other inmates as determined at the
24 discretion of the department.

25 SECTION 7. [NEW MATERIAL] ELECTRONIC MONITORING.--The

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1 department may require electronic monitoring of any person
2 residing in a halfway house or transitional residential
3 facility.

4 SECTION 8. [NEW MATERIAL] FAILURE TO COMPLY.--A person
5 who fails to comply with any of the provisions of the Halfway
6 House and Transitional Residential Facility Act or rules
7 promulgated by the department may be removed from the halfway
8 house or transitional residential facility at the discretion of
9 the department and returned to a correctional facility.

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