

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 129

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

INTRODUCED BY

Linda M. Lopez

FOR THE WELFARE REFORM OVERSIGHT COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS  
ACT TO PROVIDE CERTAIN BENEFITS AND SERVICES TO CONVICTED DRUG  
OFFENDERS.

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

Section 1. Section 27-2B-11 NMSA 1978 (being Laws 1998,  
Chapter 8, Section 11 and Laws 1998, Chapter 9, Section 11, as  
amended by Laws 2001, Chapter 295, Section 6 and by Laws 2001,  
Chapter 326, Section 6) is amended to read:

"27-2B-11. INELIGIBILITY.--

A. The following are ineligible to be members of a  
benefit group:

(1) an inmate or patient of a nonmedical  
institution;

(2) a person who, in the two years preceding  
application, assigned or transferred real property unless he:

(a) received or receives a reasonable  
return;

(b) attempted to or attempts to receive

underscored material = new  
~~[bracketed material] = delete~~

1 a reasonable return; or

2 (c) attempted to or attempts to regain  
3 title to the real property;

4 (3) a minor unmarried parent who has not  
5 successfully completed a high school education and who has a  
6 child at least twelve weeks of age in his care unless the  
7 minor unmarried parent:

8 (a) participates in educational  
9 activities directed toward the attainment of a high school  
10 diploma or its equivalent; or

11 (b) participates in an alternative  
12 educational or training program that has been approved by the  
13 department;

14 (4) a minor unmarried parent who is not  
15 residing in a place of residence maintained by his parent,  
16 legal guardian or other adult relative unless the department:

17 (a) refers or locates the minor  
18 unmarried parent to a second-chance home, maternity home or  
19 other appropriate adult-supervised supportive living  
20 arrangement, taking into account the needs and concerns of the  
21 minor unmarried parent;

22 (b) determines that the minor unmarried  
23 parent has no parent, legal guardian or other appropriate  
24 adult relative who is living or whose whereabouts are known;

25 (c) determines that a minor unmarried  
parent is not allowed to live in the home of a living parent,  
legal guardian or other appropriate adult relative;

(d) determines that the minor unmarried  
parent is or has been subjected to serious physical or

underscored material = new  
[bracketed material] = delete

1 emotional harm, sexual abuse or exploitation in the home of  
2 the parent, legal guardian or other appropriate adult  
3 relative;

4 (e) finds that substantial evidence  
5 exists of an act or a failure to act that presents an imminent  
6 or serious harm to the minor unmarried parent and the child of  
7 the minor unmarried parent if they live in the same residence  
8 with the parent, legal guardian or other appropriate adult  
9 relative; or

10 (f) determines that it is in the best  
11 interest of the unmarried minor parent to waive this  
12 requirement;

13 (5) a minor child who has been absent or is  
14 expected to be absent from the home for forty-five days;

15 (6) a person who does not provide a social  
16 security number or who refuses to apply for one;

17 (7) a person who is not a resident of  
18 New Mexico;

19 (8) a person who fraudulently misrepresented  
20 residency to receive assistance in two or more states  
21 simultaneously except that such person shall be ineligible  
22 only for ten years;

23 ~~[(9) for five years following the date of~~  
24 ~~release from any federal or state prison or county jail or~~  
25 ~~following the date of completion of the terms of probation, a~~  
~~person convicted of a drug-related felony on or after~~  
~~August 22, 1996; however, the cash assistance of the other~~  
~~members of his assistance group shall be reduced only by the~~  
~~amount to which he otherwise would be entitled;~~

underscored material = new  
[bracketed material] = delete

1                   ~~(10)~~ (9) a person who is a fleeing felon or  
2 a probation and parole violator;

3                   ~~(11)~~ (10) a person concurrently receiving  
4 supplemental security income, tribal temporary assistance for  
5 needy families or bureau of Indian affairs general assistance;  
6 and

7                   ~~(12)~~ (11) unless he demonstrates good  
8 cause, a parent who does not assist the department in  
9 establishing paternity or obtaining child support or who does  
10 not assign support rights to New Mexico as required pursuant  
11 to the federal act.

12                   ~~B. At the time of application, a participant~~  
13 ~~shall state in writing whether he or another member of the~~  
14 ~~benefit group has been convicted on or after August 22, 1996~~  
15 ~~of a drug-related felony.~~

16                   ~~C. A person convicted of a drug-related felony may~~  
17 ~~be eligible to receive services if the department in~~  
18 ~~consultation with the corrections department determines that~~  
19 ~~services would enhance his rehabilitation and employment~~  
20 ~~success.~~

21                   ~~D.]~~ B. For the purposes of this section, "second-  
22 chance home" means an entity that provides a supportive and  
23 supervised living arrangement to a minor unmarried parent  
24 where the minor unmarried parent is required to learn  
25 parenting skills, including child development, family  
budgeting, health and nutrition and other skills to promote  
long-term economic independence and the well-being of  
children.

C. Pursuant to the authorization provided to the

underscoring material = new  
~~[bracketed material] = delete~~

1 states in the Personal Responsibility and Work Opportunity  
2 Reconciliation Act of 1996, 21 U.S.C. Section 862a(d)(1)(A),  
3 New Mexico elects to exempt all persons domiciled in the state  
4 from application of 21 U.S.C. Section 862a(a); provided,  
5 however, that every participant to whom this subsection  
6 applies shall submit to a substance abuse assessment and if,  
7 according to the department, it would enhance the  
8 participant's rehabilitation and employment success, the  
9 participant shall receive drug treatment services to remain  
10 eligible for cash assistance or services."

11 - 5 -  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25