

BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE CRIMINAL JUSTICE REFORM SUBCOMMITTEE

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 A MINIMUM OF ONE HALFWAY HOUSE OR TRANSITIONAL
RESIDENTIAL FACILITY FOR MEN AND ONE HALFWAY HOUSE OR
TRANSITIONAL RESIDENTIAL FACILITY FOR WOMEN IN EACH PROBATION
AND PAROLE REGION.

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;

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underscored material = new
[bracketed material] = delete

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

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

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

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

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

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

24 B. operate or contract with a third party to
25 operate at least one halfway house or transitional residential

1 facility for men and one halfway house or transitional
2 residential facility for women in each probation and parole
3 region by July 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 A. The department shall:

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

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

19 B. If the department contracts with a third party
20 to operate a halfway house or transitional residential
21 facility, the department shall require the third-party
22 contractor to collect a housing payment from each person
23 residing in the halfway house or transitional residential
24 facility based on a sliding fee scale that shall be established
25 by the department and shall take into account each person's

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1 financial ability to pay; provided that no person who is
2 otherwise eligible for housing in a halfway house or
3 transitional residential facility shall be denied housing based
4 solely on inability to pay.

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

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

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

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

21 A. release-eligible inmates;
22 B. nonviolent offenders, as that term is defined in
23 Section 33-2A-3 NMSA 1978;
24 C. inmates within one year of scheduled release;
25 and

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1 D. any other inmates as determined at the
2 discretion of the department.

3 SECTION 7. [NEW MATERIAL] ELECTRONIC MONITORING.--The
4 department may require electronic monitoring of any person
5 residing in a halfway house or transitional residential
6 facility.

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