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HOUSE BILL 11

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

INTRODUCED BY

Joseph M. Thompson

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS
ACT TO PROVIDE MEDICAID 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

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;~~

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[bracketed material] = delete

1 ~~(10)~~ (9) a person who is a fleeing felon or a
2 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

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~~[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)."