

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

February 27, 2019

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 364

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 2, strike lines 21 through 25 in their entirety.
2. On page 3, line 2, before "An", insert the subsection designation "A."
3. On page 3, line 5, strike the subsection designation "A." and insert in lieu thereof the paragraph designation "(1)".
4. On page 3, line 6, strike the paragraph designation "(1)" and insert in lieu thereof the subparagraph designation "(a)".
5. On page 3, line 9, strike the paragraph designation "(2)" and insert in lieu thereof the subparagraph designation "(b)".
6. On page 3, line 11, after "behavior", insert "unless a qualified health care professional has determined that the behavior is unrelated to a serious mental disability".
7. On page 3, line 12, strike the subsection designation "B." and insert in lieu thereof the paragraph designation "(2)".
8. On page 3, line 14, strike "and".
9. On page 3, line 15, strike the subsection designation "C." and insert in lieu thereof the paragraph designation "(3)".
10. On page 3, line 23, strike the paragraph designation "(1)" and insert in lieu thereof the subparagraph designation "(a)".

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11. On page 4, line 1, strike the paragraph designation "(2)" and insert in lieu thereof the subparagraph designation "(b)".

12. On page 4, line 4, strike the paragraph designation "(3)" and insert in lieu thereof the subparagraph designation "(c)".

13. On page 4, line 6, strike the period and insert in lieu thereof "; and".

14. On page 4, between lines 6 and 7, insert the following:

"(4) if, after fulfilling the requirements of Paragraph (3) of this subsection, a warden, jail administrator or person in charge of a correctional facility finds that an inmate with a serious mental disability poses an ongoing and realistic threat of physical harm to another person, the inmate may be placed in restricted housing for longer than forty-eight consecutive hours only if:

(a) other methods for ensuring the safety of the threatened person have been considered and determined insufficient, impractical or inappropriate;

(b) the inmate is placed in restricted housing for the shortest time period and under the least restrictive conditions practicable;

(c) the correctional facility provides regular access to medical and mental health care for the inmate; and

(d) the warden, administrator or person in charge of the correctional facility: 1) makes a written record of the facts and circumstances that necessitated the inmate's continued placement in restricted housing; 2) makes a written action plan describing how the correctional facility will transition the inmate out of restricted housing at the earliest opportunity, including a projected time line; and 3) notifies the correctional facility's qualified health care

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professional in writing that the inmate continues to be placed in restricted housing in accordance with this section.

B. For purposes of this section, "qualified health care professional" means a licensed physician as defined in Section 61-6-6 NMSA 1978 or a psychologist as defined in Section 61-9-3 NMSA 1978 and who is licensed pursuant to the Professional Psychologist Act."

Respectfully submitted,

Gail Chasey, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 9 For 4 Against

Yes: 9

No: Cook, Nibert, Rehm, Townsend

Excused: Armstrong, D.

Absent: None

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