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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. SHORT TITLE.--This act may be cited as the
"Halfway House and Transitional Residential Facility Act".

SECTION 2. 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
housing and supervision to persons released on parole;

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

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

1 correctional facility operated by the department; and

2 E. "validated risk and needs assessment" means an
3 actuarial tool scientifically proven to determine a person's
4 risk to reoffend and criminal risk factors, that, when
5 properly addressed, can reduce that person's likelihood of
6 committing future criminal behavior.

7 SECTION 3. DUTY TO ESTABLISH AND OPERATE HALFWAY HOUSES
8 AND TRANSITIONAL RESIDENTIAL FACILITIES.--The department
9 shall:

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

13 B. operate or contract with a third party to
14 operate at least one halfway house or transitional
15 residential facility in each probation and parole region by
16 July 1, 2018. In establishing the halfway houses and
17 transitional residential facilities, the department shall
18 consider the needs of both the male and female inmate
19 populations; and

20 C. promulgate rules necessary to implement the
21 provisions of the Halfway House and Transitional Residential
22 Facility Act.

23 SECTION 4. HOUSING PAYMENTS--FEE SCALE.--

24 A. The department shall:

25 (1) collect a housing payment from each

1 person residing in a halfway house or transitional
2 residential facility operated by the department based on a
3 sliding fee scale that shall be established by the department
4 and that shall take into account each person's financial
5 ability to pay; provided that no person who is otherwise
6 eligible for housing in a halfway house or transitional
7 residential facility shall be denied housing based solely on
8 inability to pay; and

9 (2) deposit payments collected pursuant to
10 this subsection into the general fund.

11 B. If the department contracts with a third party
12 to operate a halfway house or transitional residential
13 facility, the department shall require the third-party
14 contractor to collect a housing payment from each person
15 residing in the halfway house or transitional residential
16 facility based on a sliding fee scale that shall be
17 established by the department and shall take into account
18 each person's financial ability to pay; provided that no
19 person who is otherwise eligible for housing in a halfway
20 house or transitional residential facility shall be denied
21 housing based solely on inability to pay.

22 SECTION 5. REHABILITATION AND PROGRAMMING.--The
23 department shall:

24 A. make available to each person residing in a
25 halfway house or transitional residential facility the

1 opportunity to participate in a program to obtain a high
2 school equivalency credential if the person does not already
3 possess a high school equivalency credential or a high school
4 diploma; and

5 B. require each person residing in a transitional
6 residential facility to participate in programs that enhance
7 the rehabilitation, education and vocational skills of the
8 person, as determined by a validated risk and needs
9 assessment.

10 SECTION 6. ELIGIBILITY.--The department shall establish
11 criteria concerning eligibility for halfway houses and
12 transitional residential facilities; provided that the
13 department shall give priority to the following:

14 A. release-eligible inmates;

15 B. nonviolent offenders, as that term is defined
16 in Section 33-2A-3 NMSA 1978; and

17 C. any other inmates as determined at the
18 discretion of the department.

19 SECTION 7. ELECTRONIC MONITORING.--The department may
20 require electronic monitoring of any person residing in a
21 halfway house or transitional residential facility.

22 SECTION 8. FAILURE TO COMPLY.--A person who fails to
23 comply with any of the provisions of the Halfway House and
24 Transitional Residential Facility Act or rules promulgated by
25 the department may be removed from the halfway house or

1 transitional residential facility at the discretion of the

2 department and returned to a correctional facility.

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