

<b>LFC Requester:</b>	<b>Connor Jorgensen</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_  
**Correction**    \_\_\_ **Substitute**    \_\_\_

**Date** 1/30/2015  
**Bill No:** HB 358

**Sponsor:** Sen. Lisa A. Torraco  
**Short Title:** Halfway House and Transitional Facility Act

**Agency Code:** Attorney General's Office  
**Person Writing:** James Torres, AAG  
**Phone:** 827-6064    **Email:** jtorres@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

**Synopsis:**

SB 358 proposes to create “halfway houses” (facilities providing housing and supervision to parolees) and “transitional residential facilities” (facilities providing housing, supervision and programmatic support to parolees or transferees from correctional facilities). The department of corrections (“department”) would be required to operate at least 2 of these facilities (1 for men and 1 for women) in each of at least 4 regions of the state. The department may also contract with a third party to operate these facilities.

Funding would appear to come from those placed in these facilities, based on a sliding scale taking into account ability to pay. However, “no person who is otherwise eligible... [would] be denied housing based solely on inability to pay.” SB 358 proposes to make available programs for residents to attain a high school equivalency credential. Further, each resident would be required to participate in rehabilitative programs prescribed by a risk and needs assessment.

The department of corrections would be tasked with creating rules necessary to implement these facilities. For instance, electronic monitoring may be required of the residents. The department may remove a resident from these facilities for his or her failure to comply with the provisions of this legislation or rules promulgated by the department.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

**Statutory Interpretation**

SB 358 would require the creation of at least 8 halfway houses or transitional residential facilities throughout the State. These facilities must be established by the department and may be operated by the department or a third party contractor. However, there are no appropriations allocated to the department in this bill. It appears that the only external source of funding would come from the residents themselves. This may create an incentive for the department and third party contractors to seek residents with the ability to pay. Section 4 (A)-(B) states that “no

person who is otherwise eligible for housing in a halfway house or transitional residential facility shall be denied housing *based solely* on inability to pay.” This language may leave open the possibility of including ability to pay as one factor in determining eligibility.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

Addressed above

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

**AMENDMENTS**