

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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	<input type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>	Date	<u>2/23/2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB 358</u>

Sponsor:	<u>Sen. Lisa A. Torraco</u>	Agency Code:	<u>Attorney General's Office</u>
Short Title:	<u>Halfway House and Transitional Facility Act</u>	Person Writing:	<u>James Torres, AAG</u>
		Phone:	<u>827-6064</u>
		Email	<u>jtorres@nmag.gov</u>

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)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

The Senate Public Affairs Committee (SPAC) has made the following amendments to SB 358:

1. Language from the title is removed requiring the department of corrections ("department") to operate at least 2 halfway houses or transitional residential facilities ("facilities") (1 for men and 1 for women) in each probation and parole region. Instead, the title would read in relevant part, "REQUIRING THE CORRECTIONS DEPARTMENT TO OPERATE OR CONTRACT WITH A THIRD PARTY TO OPERATE HALFWAY HOUSES OR TRANSITIONAL RESIDENTIAL FACILITIES."
2. Section 3(C) is amended to require 1 facility in each probation and parole region, striking language requiring 2 facilities (1 for men and 1 for women). Language is added requiring the department to consider the needs of men and women in establishing these facilities. The original July 1, 2016 deadline for beginning to operate these facilities is replaced with a July 1, 2018 deadline.
3. Section 6(C) is stricken, removing the requirement that inmates within one year of scheduled release be prioritized for placement in facilities by the department

FISCAL IMPLICATIONS

See Significant Issues

SIGNIFICANT ISSUES

Statutory Interpretation

SB 358 would now require the creation of at least 4 halfway houses or transitional residential facilities throughout the State. The department is required to consider the needs of men and women in establishing these facilities; however, there is no requirement that men and women will be housed in separate facilities.

The (SPAC) amendments do not address the lack of 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. The removal of language requiring separate facilities for men and women is the only amendment that may lower costs; however, incentivizing the comingling of men and women in these facilities may not be the most prudent means of reducing costs.

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