

HOUSE BILL 533

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO CORRECTIONS; AMENDING THE RESTRICTED HOUSING ACT;
EXPANDING THE AGE LIMIT ON SOLITARY CONFINEMENT; REDUCING THE
NUMBER OF HOURS AND DAYS AN INMATE MAY BE HELD IN SOLITARY
CONFINEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 33-16-1 NMSA 1978 (being Laws 2019,
Chapter 194, Section 1) is amended to read:

"33-16-1. SHORT TITLE.--~~[This act]~~ Chapter 33, Article 16
NMSA 1978 may be cited as the "Restricted Housing Act"."

SECTION 2. Section 33-16-2 NMSA 1978 (being Laws 2019,
Chapter 194, Section 2) is amended to read:

"33-16-2. DEFINITIONS.--As used in the Restricted Housing
Act:

A. "correctional facility" means a jail, prison or

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1 other detention facility that is used for the confinement of
2 adult or juvenile persons, whether operated by the state or a
3 political subdivision of the state or a private contractor on
4 behalf of the state or a political subdivision of the state;

5 B. "inmate" means an adult or juvenile person who
6 is under sentence to or confined in a correctional facility;

7 C. "meaningful human contact" means in-person or
8 virtual interactions with family, peers, counselors, educators
9 or other persons for purposes other than institutional
10 discipline;

11 [~~E.~~] D. "restricted housing", whether instituted
12 pursuant to disciplinary, administrative, inmate classification
13 or other action, means confinement of an inmate locked in a
14 cell or similar living quarters in a correctional facility for
15 [~~twenty-two~~] seventeen or more hours each day without any
16 rehabilitative programming that includes daily, meaningful [~~and~~
17 ~~sustained~~] human [~~interaction~~] contact; and

18 [~~D.~~] E. "serious mental disability" means:

19 (1) a serious mental illness, including
20 schizophrenia, psychosis, major depression and bipolar
21 disorder; or

22 (2) having a significant functional impairment
23 along with a brain injury, organic brain syndrome or
24 intellectual disability."

25 SECTION 3. Section 33-16-3 NMSA 1978 (being Laws 2019,

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1 Chapter 194, Section 3) is amended to read:

2 "33-16-3. RESTRICTIONS ON THE USE OF RESTRICTED
3 HOUSING.--

4 A. An inmate who is younger than ~~[eighteen]~~ twenty-
5 one or older than fifty-five years of age shall not be placed
6 in restricted housing.

7 B. An inmate who is known to be pregnant or in the
8 first eight weeks of the postpartum recovery period after
9 giving birth shall not be placed in restricted housing.

10 C. An inmate who belongs to a vulnerable
11 population, including an inmate who identifies as lesbian, gay,
12 bisexual, transgender or queer, shall not be placed in
13 restricted housing involuntarily or for protective custody.

14 D. An inmate in a facility operated by the
15 corrections department or by a contractor with the department
16 shall not be housed in restricted housing for more than fifteen
17 consecutive days or more than ninety days total in a twelve-
18 month period.

19 E. If a warden, jail administrator or other person
20 in charge of a correctional facility finds that an inmate
21 requires housing in restricted housing for more than ninety
22 days total in a twelve-month period, the person shall:

23 (1) make a written record of the facts and
24 circumstances that necessitated the inmate's placement in
25 restricted housing; and

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1 (2) prepare a written action plan describing
2 how the facility will transition the inmate out of restricted
3 housing at the earliest opportunity.

4 F. An inmate in a jail of a political subdivision
5 of the state shall not be held in restricted housing during the
6 first three days of incarceration in that jail, except when the
7 findings of a suicide screening instrument conclude that the
8 inmate is not likely to engage in harm to self.

9 G. Correctional facilities shall not implement or
10 enforce any policy or practice that is functionally equivalent
11 to restricted housing, solitary confinement or other term,
12 regardless of the name or designation of such policy or
13 practice of such action or housing unit."

14 SECTION 4. Section 33-16-5 NMSA 1978 (being Laws 2019,
15 Chapter 194, Section 5) is amended to read:

16 "33-16-5. CORRECTIONAL FACILITIES--TRANSPARENCY AND
17 REPORTING.--

18 A. Every three months, every correctional facility
19 shall:

20 (1) produce a report that includes:

21 (a) the name, inmate identification,
22 age, gender and ethnicity of every inmate who was placed in
23 restricted housing during the previous three months, including
24 every inmate who is in restricted housing at the time the
25 report is produced; and

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1 [~~(b)~~ the reason restricted housing was
2 ~~instituted for each inmate listed in the report; and~~

3 ~~(e)]~~ (b) the dates on which each inmate
4 was placed in and released from restricted housing during the
5 previous three months; and

6 (2) submit a report prepared in accordance
7 with this subsection to the:

8 (a) legislature, if the correctional
9 facility is a prison; and

10 (b) board of county commissioners of the
11 county in which the correctional facility is located, if the
12 facility is a jail.

13 B. The corrections department shall post to its
14 public website every report produced pursuant to Subsection A
15 of this section."