

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: February 11, 2025 *Check all that apply:*
Bill Number: SB 322 Original Correction
 Amendment Substitute

Sponsor: Linda Lopez. Harold Pope **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Strip Searches and Cameras **Person Writing:** Troy Davis
Title: _____ **Phone:** 5053858461 **Email:** Davistr@msn.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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

BILL SUMMARY

Synopsis:

Senate Bill 322 adds to 32A-2-4 section G that pertains to strip or body cavity search. The bill that searches and body cavity searches can only be conducted with probable cause from facility superintendent. Searches must be the least invasive means possible and require documentation including: name of the child; probable cause; steps taken to retrieve contraband, date and time, location and personnel involved and result of the search. Incident report must be completed for each search and submitted to superintendent by the next business day. No camera or visual recording devices are allowed in shower and toilet areas of detention facilities.

FISCAL IMPLICATIONS

Additional resources for detention facilities.

SIGNIFICANT ISSUES

Senate bill 322 does not provide any funding for the new procedures to implemented. There are no remedies provide in the bill if the detention center does not follow these procedures. The New Mexico Supreme Courts have found that “reasonable suspicion” is needed to strip search a student at a school. See State v. Gage 149 N.M. 14. A probable cause standard for detention center is not consistent with current New Mexico law. In a detention center there are very limited rights to privacy. A detention center is inherently more dangerous than a school.

Senate bill 322 essentially states that a search warrant standard is need to search a juvenile in a detention center. In a search warrant there needs to be probable cause, who executes the search warrant and what is found after the search warrant. This is unreasonable standard to run a detention center.

Senate bill 322 micromanages the detention center ability to function in safety for inmates and staff which raise the issue of separation of powers between the legislative branch and the executive branch.

TECHNICAL ISSUES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If the bill is not enacted detention centers will be safer facilities.