

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date 2.10.25

Bill No: SB 322- 280

Sponsor: Strip Searches and Cameras
Short Linda M. Lopez, Harold Pope,
Title: Antoinette Sedillo Lopez, Shannon D.
Pinto

Agency Name
and Code 280-LOPD
Number:

Person Writing Allison H. Jaramillo
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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 Expenditure 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: This bill would amend Section 32A-2-4, which regulates detention facilities for juveniles, to add Subsections G, H, I, and J.

Subsection G would allow a strip or body cavity search only when there is probable cause that there is dangerous contraband that could not otherwise be discovered and authorization from the detention facility superintendent or designee.

Subsection H would require the least invasive means and requires an incident report documenting 1) the name of the child; 2) determination of probable cause; 3) steps taken to retrieve suspected contraband in a noninvasive manner; 4) date, time, and location of the search; 5) names, current position gender, and signatures of personnel conducting the search; 6) the result of the search, including disposition of contraband if recovered.

Subsection I would require copies of an incident report documenting the strip or body cavity search submitted to the detention facility superintendent or designee by the next business day.

Subsection J would ban cameras or visual filming devices from shower or toilet areas of a detention facility.

FISCAL IMPLICATIONS

This bill would not have any fiscal impact on LOPD.

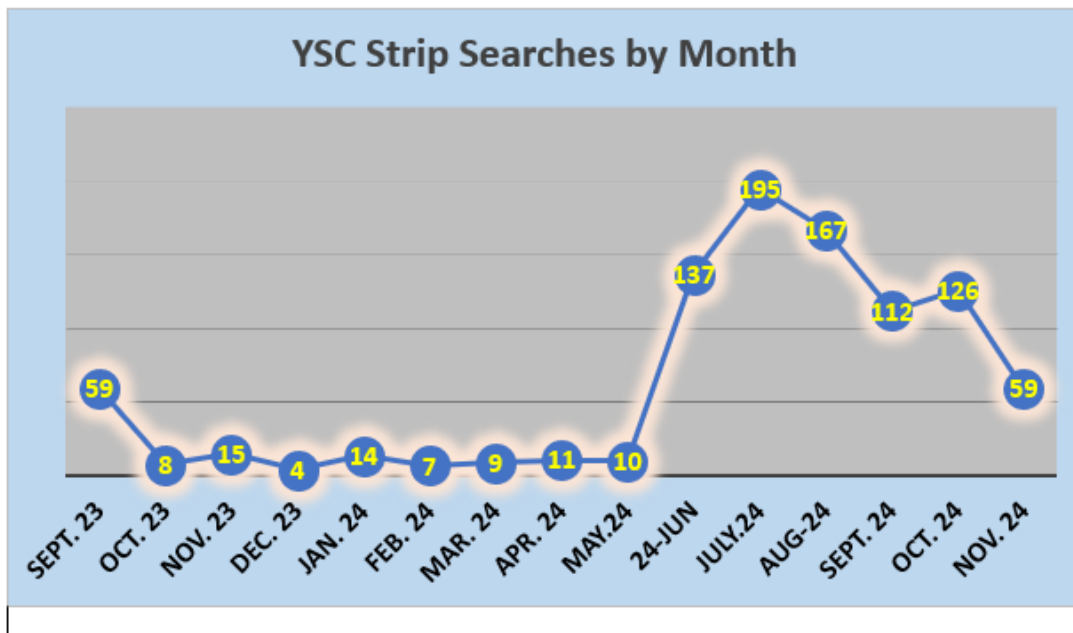
SIGNIFICANT ISSUES

The LOPD supports limiting the use of strip searches and body cavity searches on juveniles and

in banning cameras in shower and toilet areas. Analyst notes that the bill does not state who shall determine whether probable cause exists.

New Mexico courts have recognized “incarcerated individuals do not forfeit all constitutional protections by reason of their confinement.” *State v. Chacon*, 2018-NMCA-065, ¶ 10, 429 P.3d 347. “Courts therefore recognize that prisoners have a limited Fourth Amendment right to bodily privacy.” New Mexico has also recognized “[a] correctional facility’s institutional justification to conduct a second strip search is further reduced when it takes place shortly after a prior strip search and no contraband was discovered.” *Id.* ¶ 14 (citing *N.G. v. Connecticut*, 382 F.3d 225, 234 (2nd Cir. 2004) (holding that a second strip search of a juvenile inmate to search for a missing pencil was unreasonable because the inmate had already been strip searched upon her initial admission to the facility)). These concerns should be heightened for juveniles and this bill appears to recognize that in requiring probable cause for a strip or cavity search.

In a report by Bernalillo County, “Youth Services Weekly Data Report #45 December 22-28, 2024” it showed that YSC strip searches increased to 195 in July 2024, up from 10 in May 2024. The report states that this was due to the IonScan detection equipment not functioning from June-September and some of October. This chart demonstrates the need for this bill to protect juveniles from unregulated and unnecessary strip searches.



***IonScan detection equipment not functional during the entire month of June, July, August and most of September resulting in significant increase in strip searches. IonScan back on-line late September. IonScan was not functional again for part of October.

Strip searches decreased in November 2024 as IonScan was functional for most of the month but not the full month.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS