

1 HOUSE BILL 380

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Rod Montoya and Jenifer Jones and Andrea Reeb  
5 and Harlan Vincent  
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10 AN ACT

11 RELATING TO PUBLIC SAFETY; ENACTING THE WOMEN'S SAFETY AND  
12 PROTECTION ACT; PROVIDING DEFINITIONS; REQUIRING SINGLE-SEX  
13 SPACES IN DOMESTIC VIOLENCE SHELTERS, PUBLIC SCHOOLS AND  
14 JUVENILE DETENTION FACILITIES IN CERTAIN CIRCUMSTANCES.  
15

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

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
18 cited as the "Women's Safety and Protection Act".

19 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
20 Women's Safety and Protection Act:

21 A. "domestic violence shelter" means a facility  
22 that provides shelter to victims of domestic violence,  
23 nonconsensual sexual conduct or stalking;

24 B. "juvenile detention facility" means a facility  
25 operated by the children, youth and families department for the

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1 secure detention and treatment of people younger than eighteen  
2 years of age, including persons under the jurisdiction of the  
3 children's court, who are serving a sentence pursuant to a  
4 conviction in a state court or who are detained while awaiting  
5 disposition of charges against them;

6 C. "multiple occupancy restroom or changing room"  
7 means an area designed or designated to be used by more than  
8 one person at the same time and in which one or more people may  
9 be in various stages of undress in the presence of other  
10 individuals and includes:

- 11 (1) restrooms;
- 12 (2) locker rooms; and
- 13 (3) shower rooms;

14 D. "public school" means that part of a school  
15 district that is a single attendance center in which  
16 instruction is offered by one or more teachers and is  
17 discernible as a building or group of buildings generally  
18 recognized as an elementary, middle, junior high or high school  
19 or any combination of those and includes a charter school; and

20 E. "sleeping quarters" means a room with more than  
21 one bed and in which more than one person is housed overnight.

22 SECTION 3. [NEW MATERIAL] SEX-BASED PROTECTIONS--  
23 PERMITTED.--Notwithstanding any other provision of law to the  
24 contrary, no state agency or other arm of the state shall  
25 prohibit distinctions between the sexes with respect to

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1 athletics, correctional facilities, juvenile detention  
2 facilities, domestic violence shelters or other accommodations  
3 where biology, safety or privacy are implicated that result in  
4 separate accommodations that are substantially related to the  
5 important government interest of protecting the health, safety  
6 and privacy of individuals in such circumstances.

7 SECTION 4. [NEW MATERIAL] SAFETY AND PRIVACY--DOMESTIC  
8 VIOLENCE SHELTERS.--

9 A. To ensure the privacy and safety of women in  
10 domestic violence shelters, each such domestic violence shelter  
11 shall:

12 (1) designate sleeping quarters and multiple  
13 occupancy restrooms or changing rooms for the exclusive use of:

14 (a) females; or

15 (b) males; and

16 (2) provide a reasonable accommodation to an  
17 individual who is unwilling or unable to use sleeping quarters  
18 or a multiple occupancy restroom or changing room designated  
19 for such individual's sex; provided that a reasonable  
20 accommodation pursuant to this paragraph:

21 (a) may include allowing such people to  
22 access a single-occupancy sleeping area, restroom or changing  
23 area; and

24 (b) shall not include allowing such  
25 people to access a sleeping quarter, restroom or changing area

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1 that is designated for use by members of the opposite sex while  
2 members of the opposite sex are present or may be present in  
3 the sleeping quarter, restroom or changing area.

4 B. This section shall not be construed or applied  
5 to prohibit a person from entering a multiple occupancy  
6 restroom or changing room or sleeping quarters designated for  
7 the opposite sex when that person enters such area for one of  
8 the following reasons:

9 (1) for authorized custodial, maintenance or  
10 inspection purposes;

11 (2) to render medical assistance;

12 (3) for law enforcement to render assistance;

13 (4) to provide services or render aid during a  
14 natural disaster, a declared emergency or when necessary to  
15 prevent a serious threat to order or safety; or

16 (5) for young children to accompany an adult  
17 caretaker.

18 C. Nothing in this section shall be construed to  
19 prohibit a domestic violence shelter from adopting policies  
20 necessary to accommodate persons protected pursuant to the  
21 federal Americans with Disabilities Act of 1990.

22 SECTION 5. [NEW MATERIAL] SAFETY AND PRIVACY--PUBLIC  
23 SCHOOLS.--

24 A. To ensure the privacy and safety of students,  
25 each public school shall:

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1 (1) designate multiple occupancy restrooms or  
2 changing rooms:

3 (a) for the exclusive use of females;  
4 and

5 (b) for the exclusive use of males; and

6 (2) provide a reasonable accommodation to a  
7 person who is unwilling or unable to use a multiple occupancy  
8 restroom or changing area designated for that person's sex;  
9 provided that a reasonable accommodation pursuant to this  
10 paragraph:

11 (a) may include allowing that person to  
12 access a single-occupancy restroom or changing area; and

13 (b) shall not include allowing that  
14 person to access a restroom or changing area that is designated  
15 for use by members of the opposite sex while members of the  
16 opposite sex are present or may be present in the restroom or  
17 changing area.

18 B. A public school that sponsors or supervises an  
19 overnight trip involving public school students shall ensure  
20 that a public school student attending the overnight trip  
21 either:

22 (1) shares sleeping quarters with a member or,  
23 if necessary, multiple members, of the same sex; or

24 (2) is provided single-occupancy sleeping  
25 quarters, except that a public school student attending an

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1 overnight trip may share sleeping quarters with a member of the  
2 opposite sex if the member of the opposite sex is a member of  
3 such student's immediate family.

4 C. This section shall not be construed or applied  
5 to prohibit a person from entering a multiple occupancy  
6 restroom or changing room designated for the opposite sex when  
7 that person enters such area for one of the following reasons:

8 (1) for authorized custodial, maintenance, or  
9 inspection purposes;

10 (2) to render medical assistance;

11 (3) to render assistance by law enforcement;

12 (4) to provide services or render aid during a  
13 natural disaster, a declared emergency, or when necessary to  
14 prevent a serious threat to order or safety; or

15 (5) for young children to accompany an adult  
16 caretaker.

17 D. Nothing in this section shall be construed to  
18 prohibit a public school from adopting policies necessary to  
19 accommodate persons protected pursuant to the federal Americans  
20 with Disabilities Act of 1990.

21 SECTION 6. [NEW MATERIAL] SAFETY AND PRIVACY--  
22 CORRECTIONAL FACILITIES--JUVENILE DETENTION FACILITIES.--

23 A. To ensure the privacy and safety of incarcerated  
24 women and girls, each correctional facility and juvenile  
25 detention center shall:

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1 (1) designate sleeping quarters and multiple  
2 occupancy restrooms or changing rooms:

3 (a) for the exclusive use of females;  
4 and

5 (b) for the exclusive use of males; and

6 (2) provide a reasonable accommodation to a  
7 person who is unwilling or unable to use sleeping quarters or a  
8 multiple occupancy restroom or changing area designated for  
9 that person's sex; provided that a reasonable accommodation  
10 under this paragraph:

11 (a) may include allowing that person to  
12 access a single-occupancy sleeping area, restroom or changing  
13 area; and

14 (b) shall not include allowing that  
15 person to access a sleeping quarter, restroom or changing area  
16 that is designated for use by members of the opposite sex while  
17 members of the opposite sex are present or may be present in  
18 the sleeping quarter, restroom or changing area.

19 B. This section shall not be construed or applied  
20 to prohibit a person from entering a multiple occupancy  
21 restroom, changing room or sleeping quarter designated for the  
22 opposite sex when that person enters such area for the  
23 following reasons:

24 (1) for authorized custodial, maintenance or  
25 inspection purposes;

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- 1 (2) to render medical assistance;
- 2 (3) to render assistance by law enforcement;
- 3 (4) to provide services or render aid during a
- 4 natural disaster, a declared emergency or when necessary to
- 5 prevent a serious threat to order or safety; or
- 6 (5) for young children to accompany an adult
- 7 caretaker.

8 C. Nothing in this section shall be construed to

9 prohibit a correctional facility or juvenile detention facility

10 from adopting policies necessary to accommodate persons

11 protected pursuant to the federal Americans with Disabilities

12 Act of 1990.