

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) 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: 02/20/2025 *Check all that apply:*
Bill Number: HB533 Original Correction
 Amendment Substitute

Sponsor: Rep. Tara Lujan **Agency Name and Code Number:** 770-NMCD
Short Title: _____ **Person Writing:** Anisa Griego-Quintana / Brittany Roembach
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(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	0	Substantial	Substantial	Substantial	Recurring	General

(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: House Bill 533 (HB533) proposes drastic amendments to the Restricted Housing Act, reducing the threshold of restricted housing from 22 hours to 17 hours per day without rehabilitative programming and meaningful human contact. The bill expands the population ineligible for restricted housing to include inmates under 21 and over 55, pregnant inmates, and vulnerable populations. It imposes strict limits on the use of restricted housing, capping it at 15 consecutive days and 90 days annually. Quarterly reports detailing inmates in restricted housing must be submitted to the Legislature and local governing bodies.

FISCAL IMPLICATIONS

The fiscal ramifications of HB533 are substantial and potentially devastating to correctional facility operations. The bill's overly broad definition of restricted housing would misclassify thousands of general population inmates, effectively eliminating the use of thousands of general population beds beyond the 15-day limit. This loss of usable housing capacity would force mass inmate transfers, emergency overcrowding measures, and expensive facility renovations. Such operational disruptions would require significant expenditures on infrastructure, inmate transportation, and emergency contracting for alternative housing solutions.

Compliance with the bill's extensive quarterly reporting requirements would place an immense administrative burden on the department's already strained resources. These reports would require detailed information on all inmates placed in restricted housing, now including thousands of general population inmates under the expanded definition. The sheer volume of data and the need to track and report misclassified inmates, would drain resources from actual rehabilitation and security efforts, further impairing the ability to manage the system effectively. The scale of required adjustments would be unmanageable without additional appropriations.

Litigation costs will soar, as the ambiguous language of the bill invites numerous legal challenges.

SIGNIFICANT ISSUES

1. Misclassification and complete loss of usable housing:

By classifying thousands of general population inmates as being in restricted housing due to cell confinement time, the bill would effectively render standard housing units unusable. Facilities would be forced to displace inmates with nowhere to safely house them. The result would be widespread overcrowding, with inmates packed into insufficient spaces, fueling unrest, violence, and institutional chaos.

2. Operational breakdown, escalated violence, and potential deaths:

Restricting the use of restricted housing removes a critical safety mechanism. Violent, dangerous, and disruptive inmates would no longer be isolated, directly exposing staff and other inmates to serious harm. Inmate-on-inmate altercations would rise dramatically, resulting in

increased assaults, severe injuries, and likely fatalities. Gang-related violence would flourish, unchecked by the loss of separation capabilities. Staff members, already facing dangerous working conditions, would be placed at heightened risk of being attacked or killed, undermining morale and increasing staff turnover. The inability to manage high-risk individuals could lead to riots, hostage situations, and catastrophic security breaches.

3. Infrastructure collapse and staffing crisis:

Rehousing inmates in already overcrowded facilities or creating alternative housing solutions would require costly and time-consuming construction projects. Even with expanded infrastructure, the staffing required to supervise violent inmates in less secure environments would skyrocket. Correctional officers would be stretched dangerously thin, compromising facility oversight and increasing the likelihood of violent incidents going unchecked.

4. LGBTQ+ discrimination:

A significant issue arises from the proposal to restrict the use of restricted housing for LGBTQ+ inmates, as it assumes that these individuals cannot be violent or pose security risks. This approach fails to recognize that, like any other inmate, LGBTQ+ individuals may engage in disruptive behavior or require separation for the safety of others. By eliminating restricted housing as an option, the policy could leave corrections facilities with fewer tools to address situations that may jeopardize safety or order. It is crucial to assess each inmate's actions and security risks on an individual basis, rather than making broad assumptions based on sexual orientation or gender identity.

5. Age based discrimination:

A significant issue with the proposed restriction on placing inmates under 21 or over 55 in restricted housing is that both younger and older inmates may still pose significant risks or require separation due to their behavior. Inmates under 21 are often the most disruptive in correctional facilities. Research shows that younger inmates tend to exhibit higher levels of impulsivity and aggression, making them more likely to engage in violent or disruptive behavior. By prohibiting the use of restricted housing for these age groups, the policy could limit a facility's ability to effectively manage disruptive or unsafe behavior, potentially compromising the safety of both staff and other inmates. Each case should be evaluated based on behavior and security concerns, rather than age alone to ensure effective management and safety within correctional facilities.

PERFORMANCE IMPLICATIONS

- Facilities would experience a surge in violent incidents, leading to more inmate injuries and deaths.
- Staff attrition would increase as employees refuse to work in increasingly dangerous environments.
- Overcrowding and resource depletion would cripple rehabilitative programs and compliance with federal safety standards.
- The likelihood of large-scale facility disruptions, including riots and facility takeovers, would rise dramatically.

ADMINISTRATIVE IMPLICATIONS

The bill mandates extensive quarterly reporting on a vastly expanded inmate population classified as being in restricted housing. Meeting these requirements would drain vital resources,

forcing cuts to essential services and further compromising safety.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

The bill provides no practical solutions for housing displaced inmates, once general population cells are rendered unusable. Additionally, the definition of "meaningful human contact" is vague and unenforceable, inviting costly litigation and inconsistent application.

OTHER SUBSTANTIVE ISSUES

The housing restrictions would push facilities into emergency crisis mode, necessitating out-of-state transfers at exorbitant costs. Vulnerable populations, which the bill seeks to protect, would face heightened risks as facilities lose the ability to isolate predatory or violent inmates. Additionally, without funding to address the vast operational changes, the bill would force correctional facilities into dangerous noncompliance, increasing legal liability.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Correctional facilities will retain essential management tools to safely house violent and disruptive inmates. Facilities will avoid the loss of thousands of general population beds, preventing dangerous overcrowding. Staff and inmate safety will be preserved, reducing the likelihood of widespread violence, fatalities, and facility disruptions. Operational integrity will remain intact, protecting both human lives and public resources.

AMENDMENTS

None proposed by the Corrections Department.