

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: 3/7/25 *Check all that apply:*
Bill Number: HB 533 Original Correction
 Amendment Substitute

Sponsor: Lujan **Agency Name and Code** 995 NMC
Short Title: Solitary Confinement Changes **Number:** _____
Title: _____ **Person Writing** Hannah Kase Woods
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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 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: Would impose stricter limits on solitary confinement in correctional facilities, including raising the minimum age for solitary confinement from 18 to 21 years old and adding a new maximum age of 55 (restrictive housing would be prohibited outside of this age range).

FISCAL IMPLICATIONS

Increasing the number of hours per day that individuals in detention must be outside their cells would compromise safety and security, require substantial physical plant expansion, and a vast increase in detention personnel to accomplish.

There are several reasons why someone might be placed in restricted confinement. It is an important component of discipline for detainees that assault staff or each other. It is a tool for protective custody for individuals who are vulnerable or dangerous. It can be required for individuals on medical quarantine.

Detention facility housing units with cells have day rooms where detainees spend their out of cell time. Detainees who cannot be mixed cannot be out of their cells and in the common area at the same time. Housing units typically contain at least 10 cells. There are not enough hours in the day to provide everyone in a mixed classification housing unit with 7 hours of out of cell time per day.

The NMSC study of the 2020 detention population in 6 counties concluded that the proportion of individuals in custody for violent offences has increased substantially since 2010 when NMSC conducted its last length of stay study of the subject counties. Out of cell time for violent and dangerous individuals in restricted confinement is extremely staff intensive with 2 or more staff required to move such individuals to and from their cells. County detention facilities are currently experiencing a staffing crisis with more than half having a staff vacancy rate of more than 20% and some with vacancy rates of over, 30, 40, and even 50%. Even if the physical plant allowed for it, counties do not have the staffing levels to accomplish what this bill would require.

The bill would exempt several categories of detainee from restricted confinement altogether. Prohibiting 18-21 year olds and individuals over the age of 55 from being placed in restrictive confinement effectively immunizes such detainees from any discipline regardless of their conduct while in custody. There is nothing about being over 55 that changes all classification considerations. Every SNM member is over 50 and gang affiliation is a critical consideration for safety. 18-21 year olds can be housed in juvenile or adult detention facilities depending on their age on arrest. Facilities must be able to classify young adults based on risk factors and behavior. Similarly, prohibiting involuntary placement in restricted housing or any use of protective custody for individuals who identify as lesbian, gay, bisexual, transgender or queer ignores the fact that there are other classification considerations and sometimes individuals request protective custody due to their own safety concerns. Federal regulations provide that someone's gender identity and/or sexual orientation should not be the "sole reason" for classification

decisions but the bill imposes blanket requirements that ignore the many legitimate factors that should be considered.

The bill also proposes to remove from the quarterly reports “reason for placement in restrictive component” and instead require counties to reveal the names of the individuals. This could violate Children’s Code provisions (see NMSA 1978 32A-2-32) and regulations pertaining to juvenile records (8.14.14.11G) and serves no legitimate policy purpose.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS