

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 02/11/2025

Check all that apply:

Bill Number: SB 322

Original Correction
Amendment Substitute

Sponsor: Sen. Linda M. Lopez, Sen. Harold Pope, Sen. Antoinette Sedillo Lopez, Sen. Shannon D. Pinto

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: STRIP SEARCHES & CAMERAS

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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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: The Act would amend the Children’s Code, Section 32A-2-4, to establish regulations necessary to conduct a strip or cavity search in juvenile detention facilities, and prohibit cameras or visual filming devices in showers or toilet areas of juvenile detention facilities.

The Act would add “Limit of a Strip or Cavity Search -- Prohibiting Cameras or Filming in Certain Areas” to the title of Section 32A-2-4 NMSA 1978.

Section 1(G)(1-2) would establish that a strip or body cavity search may only be performed if (1) probable cause that there is dangerous contraband that could not otherwise be discovered is established and (2) it is authorized by the facility’s superintendent or their designee.

Section 1(H)(1-6) would establish that a strip or body cavity search shall involve the least invasive means necessary, and establish the requirement of an incident report and what must be included in that incident report.

Section 1(I) would require the incident report be submitted to the facility’s superintendent or their designee by the next business day.

Section 1(J) would establish that no cameras or visual filming devices shall be placed in the shower or toilet areas of a juvenile detention facility.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The language of Section 1(H), in stating that a search “...shall involve the least invasive means necessary...”, does not prevent more invasive means from being used, as it does not include a limiting term such as “only”, etc.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS