

1 SENATE BILL 180

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CHILDREN; LIMITING WHEN A STRIP OR CAVITY SEARCH
12 MAY BE PERFORMED IN A DETENTION FACILITY; PROHIBITING CAMERAS
13 AND FILMING OR RECORDING IN CERTAIN AREAS OF A DETENTION
14 FACILITY.

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

17 **SECTION 1.** Section 32A-2-4 NMSA 1978 (being Laws 1993,
18 Chapter 77, Section 33, as amended) is amended to read:

19 "32A-2-4. DETENTION FACILITIES--STANDARDS--REPORTS--
20 APPEALS--LIMIT OF A STRIP OR CAVITY SEARCH--PROHIBITING CAMERAS
21 OR FILMING IN CERTAIN AREAS.--

22 A. The department shall promulgate updated
23 standards for all detention facilities, including standards for
24 site, design, construction, equipment, care, program, personnel
25 and clinical services. The department shall certify as

.233169.2

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1 approved all detention facilities in the state meeting the
2 standards promulgated. The department may establish by rule
3 appropriate procedures for provisional certification and the
4 waiving of any of its standards for facilities in existence at
5 the time of the adoption of the standards, except that it shall
6 not allow waiver of any standard pertaining to adequate health
7 and safety protection of the residents and staff of the
8 facility. No child shall be detained in a detention facility
9 unless it is certified as approved by the department, except as
10 otherwise provided in Chapter 32A, Article 2 NMSA 1978.

11 B. The department shall inspect all detention
12 facilities in the state at least once each twelve months and
13 shall require those reports it deems necessary from detention
14 facilities in a form and containing the information determined
15 by the department. If as the result of an inspection a
16 certified detention facility is determined as failing to meet
17 the required standards, its certification is subject to
18 revocation or refusal for renewal by the department.

19 C. The department shall promulgate rules
20 establishing procedures that provide for prior notice and
21 public hearings on detention facilities' standards adoption and
22 changes. The department shall also promulgate rules
23 establishing procedures for facility certification, renewal of
24 certification, refusal to renew certification and revocation of
25 certification. The procedures adopted on these matters shall

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1 provide for adequate prior notice of intended action by the
2 department, opportunity for the aggrieved person to have an
3 administrative hearing and written notification of the
4 administrative decision. Rules promulgated under this
5 subsection shall not be effective unless filed in accordance
6 with the State Rules Act.

7 D. Any person aggrieved by an administrative
8 decision of the department rendered under the provisions of
9 this section may petition for the review of the administrative
10 decision by appealing to the district court pursuant to the
11 provisions of Section 39-3-1.1 NMSA 1978.

12 E. After January 1, 1994, no state or county
13 detention facility shall hold juveniles sentenced by a federal
14 court, unless the facility meets state standards promulgated by
15 the department.

16 F. A juvenile detention facility certified by the
17 department shall comply with the daily reporting requirement
18 for children in detention, including reports on the length of
19 stay for each child. This information shall be reported as
20 required by the department.

21 G. A strip or body cavity search may only be
22 performed if:

23 (1) probable cause exists that there is
24 dangerous contraband that could not otherwise be discovered;
25 and

(2) the detention facility superintendent or the superintendent's designee authorizes the search.

H. A strip or body cavity search related to an articulated and documented safety issue or concern involving a child shall be conducted in the least intrusive manner feasible. An incident report shall be completed following the strip or body cavity search and shall include:

(1) the full name of the child;

(2) documentation of the probable cause;

(3) the steps taken to retrieve the suspected

contraband in a noninvasive manner and all other methods used

to conduct the strip or body cavity search;

(4) the date, time and location of the search;

(5) the names, current position, gender and

signatures of the personnel who conducted the search; and

(6) the results of the search, including

disposition of any contraband if recovered.

I. Copies of an incident report documenting the strip or body cavity search shall be submitted to the detention facility superintendent or the superintendent's designee by the next business day following the search.

J. Cameras or visual filming or recording devices shall not be placed in the shower or toilet areas of a detention facility."