

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 23Jan2026 *Check all that apply:*  
**Bill Number:** HB120 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b> <u>Rep. Yanira Gurrola, Rep. Eleanor Chavez</u>	<b>Agency Name and Code Number:</b> <u>790 – Department of Public Safety</u>
<b>Short Title:</b> <u>Allowable responses to student behavior</u>	<b>Person Writing:</b> <u>Carolyn Huynh, Deputy Chief</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0.0	\$0.0		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	NFI	NFI

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Almost identical to 2025 HB260  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: This bill proposes changes to the Public-School Code to clearly define restraint as an allowable response to student behavior, and define and prohibit types of restraint and seclusion that are not allowed (seclusion without continuous line-of-sight supervision and chemical, mechanical, or prone restraint of a student in a public school) Authorizes use of physical restraint or seclusion under limited circumstances (such as imminent danger of serious physical harm or leaving without permission). Requires regular training for school employees in behavioral interventions, use of physical restraint or seclusion, and documenting and reporting. Adds specificity to the staff training and reporting requirements in existing school safety plans.

#### **FISCAL IMPLICATIONS**

No fiscal implications to the Department of Public Safety (DPS).

#### **SIGNIFICANT ISSUES**

This bill concerns schools and changes to the Public-School Code, establishing policies and procedures for training and use of positive behavior interventions and supports, de-escalation, and physical restraint techniques in a School Safety Plan that complies with the Public Education Department (PED) guidelines and is approved by PED. While the bill provides for methods of restraint and remediation for poor behavior of children to mitigate the imminent danger of serious harm, along with training of personnel, reporting of incidents, and documentation, those responsibilities do not fall within the scope of responsibilities of DPS. The bill comes under the purview mainly of PED, with some likely effects on the Child Youth & Families Department (CYFD). DPS supports the enactment of this bill because it establishes clear protocols for when schools should summon law enforcement, improving coordination between school personnel and first responders, and potentially reducing unnecessary law enforcement responses to student behavioral incidents that can be effectively managed using trained de-escalation techniques.

The bill states, "If a school summons law enforcement instead of using a physical restraint [or seclusion] technique on a student, the school shall comply with the reporting, documentation, and review procedures ..." in Section 1 (I). Section 1 (J) states, "The provisions of this section shall not be interpreted as addressing the conduct of law enforcement or first responders." Both these subparagraphs clearly show it is not law enforcement or DPS who must conform to the requirements of the conduct called for in the bill and it is the school, not law enforcement or DPS, who is responsible for reporting, documentation, and review procedures.

#### **PERFORMANCE IMPLICATIONS**

No performance implications to DPS

#### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplications, companionship, relationships to DPS.

#### **TECHNICAL ISSUES**

No technical issues to DPS. The bill appropriately exempts law enforcement conduct from its requirements under Section 1(J), ensuring that officers responding to school emergencies retain full operational discretion. The documentation requirements in Section 1(I) for incidents where schools summon law enforcement will provide useful records for any subsequent DPS involvement in student-related incidents.

### **OTHER SUBSTANTIVE ISSUES**

No substantive issues for DPS. The bill's emphasis on training school employees in de-escalation techniques and less restrictive interventions aligns with evidence-based approaches to student behavior management. The prohibition of prone restraint, chemical restraint, and mechanical restraint reflects current best practices recognized by professional organizations and reduces the likelihood of injury to students, thereby minimizing potential civil liability for schools and circumstances in which law enforcement must respond to school-related emergencies.

### **ALTERNATIVES**

No alternatives for DPS.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain. Without enactment, New Mexico public schools will continue to lack uniform, PED-approved standards governing physical restraint and seclusion of students, including the prohibition of dangerous restraint methods such as prone restraint. The absence of standardized training requirements and documentation protocols may result in inconsistent practices across districts and continued risk of student injury during behavioral incidents.

### **AMENDMENTS**

No amendments for DPS.