

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 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: _____ *Check all that apply:*
Bill Number: SB180 Original Correction
 Amendment Substitute

Sponsor:	<u>L Lopez, S Pinto, AS Lopez, A Charley</u>	Agency Name and Code Number:	<u>CYFD - 690</u>
Short Title:	<u>DETENTION CENTER STRIP SEARCHES</u>	Person Writing	<u>Kathleen Hardy</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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: This bill amends the Delinquency Act to establish specific criteria which must be met prior to conducting a strip or body cavity search in a juvenile detention facility; to establish limits on the search; to require documentation and reports; and to prohibit the placement of cameras and visual filming devices in shower or toilet areas of a juvenile detention facility.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill. In the event that amended regulation will need to be promulgated, any fiscal implications for CYFD will be absorbed by existing resources.

SIGNIFICANT ISSUES

While CYFD does not operate any of the four juvenile detention facilities subject to the provisions of this bill, CYFD is responsible for federal oversight of the facilities to ensure compliance with federal standards, state guidelines, and the Prison Rape Elimination Act (PREA), and conducts annual facility audits for the purpose of federal reporting and state compliance.

The bill's amendments to the Delinquency Act are aligned with PREA standards for juvenile justice facilities. Those standards include:

- (a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- (b) The agency shall not conduct cross-gender pat-down searches except in exigent circumstances.
- (c) The facility shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.
- (d) The facility shall implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering a resident housing unit. In facilities (such as group homes) that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.
- (e) The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

While secure facilities CYFD for adjudicated youth are not affected by this bill, CYFD is already in full compliance with all PREA standards and subject to regular audits.

PERFORMANCE IMPLICATIONS

None for CYFD.

ADMINISTRATIVE IMPLICATIONS

In the event that amended regulation will need to be promulgated, or oversight checklists and processes changed, the administrative implications for CYFD will be absorbed by existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.