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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 180

SHORT TITLE: Detention Center Strip Searches

SPONSOR: López/Pinto/Sedillo Lopez/Charley

LAST ORIGINAL
UPDATE: _____ **DATE:** 2/17/2026 **ANALYST:** Ceballes/Malone

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
CYFD Juvenile Justice Facilities	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact	N/A	N/A

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bills 5, 125, 182, and 339 and Senate Bills 147 and 165

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

New Mexico Corrections Department (NMCD)

Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Senate Bill 180

Senate Bill 180 (SB180) amends the Delinquency Act, Section 32A-2-4 NMSA 1978, to limit the circumstances under which a strip or cavity search may be performed within a juvenile detention facility. SB180 requires a finding of probable cause of dangerous contraband that could not otherwise be discovered and prior authorization from the detention facility superintendent before a strip search or body cavity search is performed.

The bill also establishes standards governing the conduct of strip searches and body cavity searches. It requires that searches be performed in the least intrusive manner feasible and mandates the preparation of an incident report for each search. The report must include the child's full name; documentation of probable cause; a description of noninvasive steps taken to recover suspected contraband; the date, time, and location of the search; the names, current positions, genders, and signatures of personnel conducting the search; and the results of the search, including the disposition of any recovered contraband. Copies of the incident report be submitted to the detention facility superintendent or the superintendent's designee no later than

one business day after the search.

Additionally, SB180 prohibits cameras or recording devices in shower and toilet areas of juvenile detention facilities.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

SB180 is not expected to have any fiscal impact on the state.

Agency analysis provided by CYFD indicates that in the event that amended regulation results in change of processes, any fiscal/administrative implications will be absorbed by CYFD's existing resources.

SIGNIFICANT ISSUES

Under the Delinquency Act, “detention facility” is defined to mean “a place where a child may be detained under the Children’s Code pending court hearing and does not include a facility for the care and rehabilitation of an adjudicated delinquent child” (Section 32A-2-3(D) NMSA 1978). Consequently, the strip and cavity search limitations contained within SB180 would apply only to pre-adjudication juvenile detention facilities operated by New Mexico counties, not post-adjudication secured facilities operated by the state. Currently, there are four juvenile detention facilities in the state, located in Bernalillo, Dona Ana, Lea, and San Juan counties.

The requirements in SB180 are aligned with standards for juvenile justice facilities under the federal Prison Rape Elimination Act (PREA). Those standards include:

- 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.
- The agency shall not conduct cross-gender pat-down searches except in exigent circumstances.
- The facility shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.
- 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.
- 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.

- 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.

CYFD notes that while the agency does not operate the juvenile detention facilities subject to provisions of this bill, CYFD is responsible for ensuring that county detention facilities comply with federal standards, state guidelines, and PREA.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB180 relates to a number of other bills proposing changes to the Delinquency Act, including HB5, HB125, HB182, HB339, SB147, and SB165.

HB5 amends the criteria for detention of children in the Children’s Code and amends the Juvenile Community Corrections Act.

HB125 amends the Delinquency Act by expanding and modifying definitions of what constitutes a “delinquent act”, “serious youthful offender”, and “youthful offender”.

HB182 amends the Delinquency Act definitions by adding a violation of local curfew ordinance as a “delinquent act”.

HB339 amends criminal sentencing criteria for minors.

SB165 amends numerous Sections throughout the Children’s Code (Chapter 32A) and the Corrections Act (Chapter 33).

HB292 enacts the New Mexico Prison Rape Elimination Act, referred to by CYFD in agency analysis.

DC/CEM/cf