

Opinion No. 56-6353

January 17, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. George Brock, Executive Secretary, New Mexico Commission on Alcoholism,
116 West DeVargas, Santa Fe, New Mexico

You have requested this office for an opinion as to whether or not your building at Roswell, New Mexico, wherein you house patients who have come to you for treatment, may be kept locked at all times with, of course, employees keeping keys to permit them to enter and leave the building when necessary. You indicate that the Fire Department at Roswell has informed you that this is not permissible. You further indicate that you deem such procedure necessary since some of your patients at times suffer from delirium tremens and that some of these patients have escaped into the surrounding neighborhood and have caused complaints to be made to you regarding their conduct.

I find no specific statute covering this situation. However, it is our opinion that you may undertake the procedure above and that the City of Roswell has no power to compel you to do otherwise. This conclusion is based upon the fact that yours is a State agency and that the manner in which you conduct your business, including the way in which you operate your building at Roswell, is a matter which may not be regulated by a municipality, at least insofar as the Legislature has not expressly undertaken to permit your agency to be regulated on the matter in question. I suggest, however, that you should work something out with the Fire Department at Roswell whereby your building there would be made as accessible as possible to them in the event of fire.

I trust the above answers your inquiry.

By: Santiago E. Campos

Assistant Attorney General