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HOUSE BILL 328

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

INTRODUCED BY

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AN ACT

RELATING TO LAW ENFORCEMENT; PROHIBITING THE USE OF STATE FUNDS
AND PROHIBITING LAW ENFORCEMENT ENTITIES THAT RECEIVE STATE
FUNDS FROM ENGAGING IN JOINT OPERATIONS OR PROVIDING SUPPORT TO
FEDERAL LAW ENFORCEMENT THAT CONCEALS THEIR IDENTITY; PROVIDING
A RIGHT OF ACTION; PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] PROHIBITING STATE FUNDS TO BE
USED IN CERTAIN FEDERAL LAW ENFORCEMENT ACTIVITIES.--

A. Funds appropriated to the department of public
safety shall not be expended in support of any joint operation
with federal law enforcement officers or other employees or
agents of the federal government who conceal their identity
while exercising law enforcement authority.

B. A local government receiving state public safety

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1 funds shall not participate in any joint operation with federal
2 law enforcement officers or other employees or agents of the
3 federal government who conceal their identity while exercising
4 law enforcement authority.

5 C. The provisions of this section shall not apply
6 when a peace officer in the course of employment:

7 (1) conducts an undercover operation
8 sanctioned by the peace officer's law enforcement agency of
9 employment;

10 (2) is a member of a special weapons and
11 tactics team and performing special weapons and tactics
12 responsibilities; or

13 (3) conducts an explosive recovery and
14 disposal operation to render safe or disassemble an explosive
15 or incendiary device and materials.

16 D. A person shall not knowingly use, or cause to be
17 used, state funds in support of any joint operation with
18 federal law enforcement officers or other employees or agents
19 of the federal government who conceal the law enforcement
20 officer's or other employee's or agent's identity while
21 exercising law enforcement authority.

22 E. Proof of specific intent to defraud is not
23 required for a violation of this section.

24 F. A person who violates this section shall be
25 liable for:

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1 (1) three times the amount of damages
2 sustained by the state or political subdivision because of the
3 violation;

4 (2) a civil penalty of not less than five
5 thousand dollars (\$5,000) and not more than ten thousand
6 dollars (\$10,000) for each violation;

7 (3) the costs of a civil action brought to
8 recover damages or penalties; and

9 (4) reasonable attorney fees, including the
10 fees of the attorney general, state agency or political
11 subdivision counsel.

12 G. A person, the state or a political subdivision
13 of the state may bring a civil action for a violation of this
14 section. The action shall be brought in the name of the state
15 or political subdivision of the state. The person bringing the
16 action shall be referred to as the qui tam plaintiff. On the
17 same day as the complaint is filed, the qui tam plaintiff shall
18 serve the attorney general with a copy of the complaint and
19 written disclosure of substantially all material evidence and
20 information the qui tam plaintiff possesses. The attorney
21 general on behalf of the state or a political subdivision of
22 the state, or a political subdivision on its own behalf, may
23 intervene and proceed with the action within sixty days after
24 receiving the complaint and the material evidence and
25 information.

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1 H. The state is entitled to all proceeds collected
2 in an action or a settlement pursuant to this section. The
3 state or the political subdivision of the state is entitled to
4 reasonable expenses incurred in the action plus reasonable
5 attorney fees, including the fees of the attorney general or
6 the political subdivision, that shall be paid by the defendant.

7 I. The qui tam plaintiff shall receive an amount
8 for reasonable expenses incurred in the action plus reasonable
9 attorney fees that shall be paid by the defendant.

10 J. No person, other than the attorney general on
11 behalf of the state or a political subdivision of the state, or
12 a political subdivision on its own behalf, may intervene or
13 bring a related action based on the facts underlying the
14 pending action.

15 K. As used in this section:

16 (1) "peace officer" means a federal, state or
17 local full-time salaried or certified part-time salaried
18 officer who by virtue of office or public employment is vested
19 by law with the duty to maintain the public peace; and

20 (2) "undercover operation" means an operation
21 that:

22 (a) is conducted by one or more law
23 enforcement agencies that is focused on a suspect or suspects
24 who are the target of an ongoing criminal investigation;

25 (b) involves one or more peace officers

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1 who are covert operatives and whose identities are concealed
2 and kept confidential; and

3 (c) is designed to: 1) obtain
4 information about criminal activity of individuals or
5 organizations through the development of ongoing relationships
6 with individuals or organizations; or 2) effect an arrest.

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