

1 SENATE BILL 303

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

10 AN ACT

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

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

25 B. A local government receiving state public safety

.233798.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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:

.233798.1

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

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

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

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

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

•233798•1

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

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

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

K. As used in this section:

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

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

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

(b) involves one or more peace officers

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.

7 - 5 -
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscored material = new
[bracketed material] = delete

.233798.1