SENATE BILL 270

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Linda M. Lopez and Patricia Roybal Caballero

AN ACT
RELATING TO LAW ENFORCEMENT; PROHIBITING STATE AND LOCAL LAW ENFORCEMENT AGENCIES FROM ENFORCING FEDERAL IMMIGRATION LAWS; PROHIBITING STATE AGENCIES FROM REPORTING A PERSON'S IMMIGRATION STATUS, ETHNICITY OR RELIGION.

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

SECTION 1. Section 29-1-10 NMSA 1978 (being Laws 1966, Chapter 24, Section 1) is amended to read:

"29-1-10. LAW ENFORCEMENT AGENCIES--ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.--[All state and local law enforcement agencies are hereby authorized to participate in the Federal Law Enforcement Assistance Act of 1965, Public Law 98-197.]

A. A law enforcement agency of the state or its political subdivisions, including home rule municipalities, shall not use state funds, equipment, personnel or resources
nor accept or utilize federal funds, equipment, personnel or resources for the purpose of detecting or apprehending persons whose only violation of law is that they have entered or are residing in the United States in violation of federal immigration laws in Title 8 of the United States Code, unless otherwise legally required to do so.

B. For the purposes of Subsection A of this section, the workforce solutions department is not a law enforcement agency."

SECTION 2. [NEW MATERIAL] NO REPORTING OF IMMIGRATION STATUS, ETHNICITY OR RELIGION.--

A. No person shall be denied benefits, opportunities or services offered by the state on the basis of immigration status, ethnicity or religion unless required by law.

B. No employee of the state or its political subdivisions shall request information or otherwise investigate the immigration status, ethnicity or religion of a person unless authorized by law.

C. No employee of the state or its political subdivisions shall report an undocumented alien to immigration officials unless the undocumented alien is engaged in criminal activities other than minor traffic offenses.

D. No agency of the state or its political subdivisions, including home rule municipalities, shall share
any information with the federal government regarding an individual's immigration status, ethnicity or religion.

E. Each department secretary or agency director shall take all steps necessary to ensure that these guidelines are implemented immediately.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.