SENATE BILL 172

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Gerald Ortiz y Pino and Antonio Maestas

AN ACT
RELATING TO CORRECTIONS; PROHIBITING THE HOUSING OR DETAINING
OF INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS;
PROHIBITING AGREEMENTS WITH PRIVATELY OWNED IMMIGRATION
DETENTION FACILITIES.

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

SECTION 1. [NEW MATERIAL] DETENTION OF INDIVIDUALS FOR
FEDERAL CIVIL IMMIGRATION VIOLATIONS.--

A. No law enforcement agency, law enforcement
official or unit of state or local government may enter into or
renew any contract, intergovernmental service agreement or any
other agreement to house or detain individuals for federal
civil immigration violations.

B. Any law enforcement agency, law enforcement
official or unit of state or local government with an existing
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contract, intergovernmental service agreement or other agreement, whether in whole or in part, that is used to house or detain individuals for federal civil immigration violations shall exercise the termination provision in the contract or agreement as applied to housing or detaining individuals for civil immigration violations no later than January 1, 2024.

SECTION 2. [NEW MATERIAL] PROHIBITION ON AGREEMENTS WITH PRIVATELY OWNED IMMIGRATION DETENTION FACILITIES.--

A. No law enforcement agency, law enforcement official or unit of state or local government shall:

(1) enter into an agreement of any kind for the detention of individuals in an immigration detention facility that is owned, managed or operated, in whole or in part, by a private entity;

(2) sell any public or government-owned property or building for the purpose of establishing an immigration detention facility that is or will be owned, managed or operated, in whole or in part, by a private entity;

(3) pay, reimburse, subsidize or defray in any way any cost related to the sale, purchase, construction, development, ownership, management or operation of an immigration detention facility that is owned, managed or operated, in whole or in part, by a private entity;

(4) receive per diem, per detainee, or any other payment related to the detention of individuals in an immigration detention facility that is owned, managed or operated, in whole or in part, by a private entity.
immigration detention facility that is owned, managed or operated, in whole or in part, by a private entity; or

(5) otherwise give any financial incentive or benefit to any private entity or person in connection with the sale, purchase, construction, development, ownership, management or operation of an immigration detention facility that is or will be owned, managed or operated, in whole or in part, by a private entity.

B. Any law enforcement agency, law enforcement official or unit of state or local government with an existing contract, intergovernmental service agreement or other agreement, whether in whole or in part, that would violate a provision of this section shall exercise the termination provision in the contract or agreement no later than January 1, 2024.