

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 172

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

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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1 contract, intergovernmental service agreement or other
2 agreement, whether in whole or in part, that is used to house
3 or detain individuals for federal civil immigration violations
4 shall exercise the termination provision in the contract or
5 agreement as applied to housing or detaining individuals for
6 civil immigration violations no later than January 1, 2024.

7 SECTION 2. [NEW MATERIAL] PROHIBITION ON AGREEMENTS WITH
8 PRIVATELY OWNED IMMIGRATION DETENTION FACILITIES.--No law
9 enforcement agency, law enforcement official or unit of state
10 or local government shall:

11 A. enter into an agreement of any kind for the
12 detention of individuals in an immigration detention facility
13 that is owned, managed or operated, in whole or in part, by a
14 private entity;

15 B. sell any public or government-owned property or
16 building for the purpose of establishing an immigration
17 detention facility that is or will be owned, managed or
18 operated, in whole or in part, by a private entity;

19 C. pay, reimburse, subsidize or defray in any way
20 any cost related to the sale, purchase, construction,
21 development, ownership, management or operation of an
22 immigration detention facility that is owned, managed or
23 operated, in whole or in part, by a private entity; or

24 D. otherwise give any financial incentive or
25 benefit to any private entity or person in connection with the

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1 sale, purchase, construction, development, ownership,
2 management or operation of an immigration detention facility
3 that is or will be owned, managed or operated, in whole or in
4 part, by a private entity.

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