

LFC Requester:	SCOTT SANCHEZ
-----------------------	----------------------

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 23JAN2024

Bill No: SB 145

Sponsor: Sen. Katy M. Duhigg, Gerald Ortiz y Pino, Bill B. O'Neil
Short Title: Public Bodies & Federal Immigration Violation

Agency Name and Code 790 Department of Public Safety
Number: _____
Person Writing KELLY MILLER
Phone: 505 365-3261 **Email** kelly.miller@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Prohibits public bodies from entering into agreements to detain individuals for Federal civil immigration violations and requires the termination of any such existing agreements. Prohibits public bodies from using public resources to facilitate detaining individuals for Federal civil immigration violations. Specifies the required process that must be followed to terminate such contracts.

Specifically, the bill states that no public body or entity or individual acting on behalf of or within the scope of the authority of a public body may:

- (1) sell, trade, lease or otherwise dispose of any real or personal property belonging to the public body for the purpose of facilitating the establishment or operation of a facility that detains or will detain individuals for federal civil immigration violations;
- (2) use any funds or assets belonging to the public body to pay, reimburse, subsidize or defray in any way any cost related to the sale, purchase, construction, development, ownership, management or operation of a facility that detains or will detain individuals for federal civil immigration violations;
- (3) receive per diem per detainee payments or any other payment related to the detention of individuals for federal civil immigration violations;
- (4) otherwise give any financial incentive or benefit for the purpose of facilitating the establishment or operation of a facility that detains or will detain individuals for federal civil immigration violations; or
- (5) impose or continue in effect any law, ordinance, policy or regulation that violates or conflicts with the provisions of this 2024 act.

A public body or entity or individual acting on behalf of or within the scope of the authority of a public body may receive and disburse any payments related to a contract, intergovernmental service agreement, memorandum of understanding or other agreement described in Section 1 of this 2024 act for the time period between exercising the termination provision and the date that termination becomes effective.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.