

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 250

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO FEDERAL USE OF STATE RESOURCES; PROHIBITING STATE
AND LOCAL AGENCIES FROM EXPENDING RESOURCES TO ENFORCE FEDERAL
IMMIGRATION LAWS; MAKING DETAINMENT OF FEDERAL PRISONERS
DISCRETIONARY PURSUANT TO FEDERAL LAW; REPEALING AN OBSOLETE
FEDERAL REFERENCE.

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

SECTION 1. [NEW MATERIAL] NON-ENFORCEMENT OF FEDERAL
IMMIGRATION LAWS.--

A. Except as provided in Section 33-3-16 NMSA 1978,
neither the state nor a political subdivision of the state,
including a home rule municipality, or their agencies and
instrumentalities shall use or authorize the use of public
funds, personnel, property, equipment or other resources for
the purpose of identifying, detecting, apprehending, arresting,

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1 detaining or prolonging the detention of a person based on a
2 suspicion or knowledge that the person has entered or is
3 residing in the United States in violation of federal
4 immigration laws or for the purpose of assisting agents of the
5 federal government in any such activity based on such suspicion
6 or knowledge.

7 B. Nothing in this section shall affect an existing
8 written contract between a county government and the federal
9 government for the housing of federal detainees or the
10 extension of such contract.

11 SECTION 2. Section 33-3-16 NMSA 1978 (being Laws
12 1865-1866, Chapter 19, Section 15, as amended) is repealed and
13 a new Section 33-3-16 NMSA 1978 is enacted to read:

14 "33-3-16. [NEW MATERIAL] UNITED STATES PRISONERS.--

15 A. As used in this section:

16 (1) "jail administrator" means a person hired
17 by a county, a municipality or a combination of these who
18 supervises the entire operation of the jail and reports
19 directly to the administrative head of the local governmental
20 entity or local governing body; and

21 (2) "sheriff" includes sheriff's deputies.

22 B. A sheriff, a jailer, a jail administrator or an
23 independent contractor that operates a jail and that receives
24 custody of a person through a warrant or order issued by a
25 United States district judge in a criminal proceeding may keep

1 the person in custody until the person is released under the
2 laws of the United States. The United States is responsible
3 for the payment of the jail fee established by the sheriff,
4 jailer, jail administrator or independent contractor that
5 operates the jail."

6 SECTION 3. REPEAL.--Section 29-1-10 NMSA 1978 (being Laws
7 1966, Chapter 24, Section 1) is repealed.

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