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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	Sens. Nava, Brandt, Padilla, and Cervantes/Rep. Martínez, J.	<b>LAST UPDATED</b>	
		<b>ORIGINAL DATE</b>	2/26/25
<b>SHORT TITLE</b>	Law Enforcement Qualifications	<b>BILL NUMBER</b>	Senate Bill 364
		<b>ANALYST</b>	Sanchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS	No fiscal impact	Up to \$500.0	Up to \$500.0	Up to \$1,000.0	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Agency Analysis Received From

Department of Public Safety (DPS)

Office of the Attorney General (NMAG)

#### Agency Analysis was Solicited but Not Received From

Municipal League (ML)

Council of Governments (COGs)

## SUMMARY

### Synopsis of Senate Bill 364

Senate Bill 364 (SB364) proposes to amend Section 29-1-9 NMSA 1978 to allow individuals with work authorization from the United States Citizenship and Immigration Services (USCIS) to be appointed as law enforcement officers. Current law requires peace officers—including special deputy sheriffs, marshals, and police officers—to be U.S. citizens. The bill removes this requirement and permits individuals with lawful work authorization to serve in these roles. This change is intended to expand the pool of eligible candidates while maintaining legal work authorization as a prerequisite.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPLICATIONS**

SB364 may result in additional costs for state and local law enforcement agencies related to recruitment, training, and administrative compliance. Expanding eligibility to include individuals with work authorization from USCIS could require new hiring processes, verification procedures, and training modifications.

The Department of Public Safety (DPS) anticipates increased recruitment expenses, including expanded outreach and advertising to attract non-citizen applicants. Background checks may require additional administrative resources, as verifying work authorization and legal status could necessitate coordination with federal agencies. Ensuring compliance with federal firearm possession laws may also lead to further costs if additional certifications or policy adjustments are needed.

Training expenses could rise if law enforcement academies modify programs or provide specialized instruction for non-citizen officers. DPS estimates recurring costs for recruitment, background verification, training, and certification at approximately \$500 thousand per year, totaling \$1 million over two years.

Law enforcement agencies may also need tracking mechanisms to monitor work authorization expirations. If an officer's authorization lapses, agencies may face costs associated with re-hiring and training replacements, potentially disrupting operations. Given the complexity of federal work authorization regulations, agencies may need to allocate resources to ensure ongoing compliance with evolving requirements.

## **SIGNIFICANT ISSUES**

While SB364 broadens law enforcement eligibility, implementation may require agencies to address federal restrictions on firearm possession and employment eligibility. The Gun Control Act of 1968 limits firearm possession by non-citizens unless they meet specific criteria, such as being lawful permanent residents or qualifying for exemptions. Agencies may need to assess how these restrictions interact with state law and law enforcement policies.

USCIS work authorizations are subject to expiration and renewal, which may present workforce management challenges. Agencies may need procedures to track work authorization status and address potential employment disruptions. Additionally, changes in federal immigration policies could affect officer eligibility over time, requiring agencies to adapt to shifting legal requirements.

SS/hj