

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

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

Date Prepared: 1/21/2026

Check all that apply:

Bill Number: HB9Original  Correction Amendment  Substitute Sponsor: Eleanor Chavez, Angelica Rubio, Andrea Romero, Marianna Anaya, Joseph Cervantes

Agency Name

and Code

Number: 770- NMCDShort Title: Immigrant Safety Act

Person Writing

A. Griego QuintanaPhone: 505-479-2296 Email Anisa.griego-quinta@cd.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 9, known as the “Immigrant Safety Act,” prohibits New Mexico public bodies from participating in the federal civil immigration detention system. The law bans the use of public resources or property to hold individuals for federal immigration violations and mandates the cancellation of all current detention contracts.

The bill contains an outright prohibition for public bodies to use public property to facilitate detaining individuals for Federal civil immigration violations. Enforcement is vested in the Attorney General or a district attorney who are empowered to institute a civil action if there is reasonable cause to believe a violation has occurred—or to prevent a violation of the act from occurring. Provision is made for the award of relief—other than monetary damages—to include declaratory and temporary, preliminary or permanent injunctive relief.

Specifically, Section 3 of HB 9:

- prohibits a public body from entering into, renewing or otherwise agreeing to be a party to an agreement to detain individuals for federal civil immigration violations, including an intergovernmental services agreement to detain individuals for civil immigration violations.
- requires a public body that already has an existing agreement in place to terminate the agreement at the earliest date permissible under the terms of the agreement with respect to all provisions that relate to detention of individuals for Federal civil immigration violations.
- mandates that a public body shall not sell, trade, lease or otherwise dispose of any real property to be used for the detention of individuals for Federal civil immigration violations.
- mandates that a public body shall not impose or continue in effect any law, ordinance, policy or regulation that violates or conflicts with provisions of this act.

Nothing in Section 3 is to be construed to limit the ability of law enforcement personnel to detain individuals or to perform brief investigative stops as permitted by state law.

**“PUBLIC BODY” DEFINITION.** For purposes of the bill “public body” means a state or local government, a sheriff’s department, an advisory board, a commission, an agency or an entity created by the Constitution of New Mexico or any branch of government that receives public funding, including political subdivisions, special tax districts, school districts and institutions of higher education. “Public body” includes an entity or individual acting on behalf of or within the scope of authority of the public body.

#### **FISCAL IMPLICATIONS**

The Act would not have a fiscal impact on the Department.

#### **SIGNIFICANT ISSUES**

None

**PERFORMANCE IMPLICATIONS**

None

**ADMINISTRATIVE IMPLICATIONS**

None

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

**TECHNICAL ISSUES**

None

**OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None

**AMENDMENTS**

None