

LFC Requester:	Scott Sanchez
-----------------------	----------------------

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.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}

Date Prepared: 1/23/26 **Bill Number:** SB0031 **Original** ☒ **Amendment** ☐ **Substitute** ☐

Short Title: U VISA CERTIFICATION ACT

Sponsor: Sen. Sedillo Lopez

Name and Code Number: HCA 630

Person Writing: Jennifer E. Romero

Phone: 505 618-0604 **Email:** jennifer.romero@hca.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0.0	\$0.0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0.0	\$0.0	\$0.0	NA	NA

(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	\$0.0	\$0.0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill establishes procedures for law enforcement, courts, and state agencies with the power to investigate qualifying criminal activity to follow when processing requests for U-Visa certification. The list of enumerated agencies with the power to investigate qualifying criminal activity includes the Health Care Authority (HCA).

FISCAL IMPLICATIONS

If HCA is included in the list of agencies who can provide U-Visa certification, it is unknown how many requests will be received for this certification. HCA would need staff members to respond to requests for certification.

SIGNIFICANT ISSUES

The reference to HCA in Section B(4) of the proposed bill should be removed. U-Visas are available to victims of the crimes enumerated in 8 U.S.C. Section 1101(a)(15)(U)(iii) or offenses substantially similar to those listed. None of the crimes listed (which include rape, torture, trafficking, domestic violence, stalking and murder) are investigated or prosecuted by HCA, nor does HCA investigate similar crimes.

HCA has an Office of Inspector General (OIG), whose responsibilities can be found at N.M.A.C. 8.1.2.9 and include conducting investigations into public assistance fraud, contractor fraud, and internal employee fraud. OIG can pursue criminal or administrative remedies for those offenses. HCA does not have the authority, through OIG or otherwise, to investigate or prosecute crimes enumerated in 8 U.S.C. Section 1101(a)(15)(U)(iii).

None of the crimes investigated or prosecuted by HCA have an effect on U-Visa certification. If HCA is included in the list of agencies with this power, it will be misleading to those seeking U-Visa certification and cause confusion among HCA staff and the public. HCA will undoubtedly be contacted for certification which it cannot provide. Inclusion of HCA on this list will also create the expectation that HCA can be called upon to investigate a qualifying offense.

PERFORMANCE IMPLICATIONS

If HCA is included in the list of agencies required to provide U-Visa certification, it will need to comply with all portions of the bill to create and publish procedures for requesting certification,

appoint and train a certifying official. HCA will also be required to create a system to track the requests, certifications, and denials.

Assuming HCA is removed from the bill as discussed in the ‘Significant Issues’ section above, there will be no performance implications for ITD.

ADMINISTRATIVE IMPLICATIONS

None for ITD assuming HCA is removed from the bill as suggested above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

HCA has limited authority to investigate and prosecute criminal activity. None of the crimes investigated or prosecuted by HCA affect eligibility for a U-Visa. HCA should be removed from the list of agencies in paragraph B(4) of the bill because it does not “detect, investigate, or prosecute qualifying criminal activity.” Emphasis added.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS