

LFC Requester: _____

**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

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{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 1/27/2026
Bill No: SB 57-280

Sponsor: Antoinette Sedillo Lopez Agency Name and Code LOPD - 280
Short Title: CONCEALING IDENTITY OF A PEACE OFFICER Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None Known

Duplicates/Relates to Appropriation in the General Appropriation Act: None known

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 57 would create the new offenses of “unlawful concealing identity of a peace officer” and “aggravated unlawful concealing identity of a peace officer.” It would also define peace officer and alter the definition of peace officer in the impersonating a peace officer statute. Finally, SB 57 would restrict bail enforcement agents, other than certified police officers authorized to apprehend individuals who fail to appear at a time and place fixed by the individual’s bail terms, from representing themselves as peace officers, wearing other paraphernalia (badges or patches) or uniforms identifying them as a government official, using fictitious names representing themselves as government officials, or using their position for immigration enforcement or assisting with immigration enforcement except pursuant to valid court orders or judicial warrants.

In particular, Section 1 of SB 57 would create the misdemeanor crime of unlawful concealing identity of a peace officer which would consist of “a peace officer, upon executing a search, seizure, or service of process, concealing the peace officer’s face, badge, name or employer in a manner that causes a person to reasonably believe the officer is acting without lawful authority.” Aggravated unlawful concealing identity of a peace officer would be defined as a fourth degree felony consisting of a peace officer engaging in the aforementioned behavior “with the intent to deceive or intimidate a person or the public at large or to interfere with the creation of a public record.” A “peace officer” would be defined as “a federal, state or local full-time salaried or certified part-time salaried officer who by virtue of office or public employment is vested by law with the duty to maintain the public peace.”

Section 2 of SB 57 would revise NMSA 1978, Section 30-27-2.1, the impersonating a peace officer statute to adopt an identical definition of peace officer as set forth above.

Section 3 of SB 57 would restrict persons, other than certified police officers authorized to apprehend individuals who fail to appear at a time and place fixed by the individual’s bail terms, from (1) representing themselves as peace officers; (2) wearing uniforms, badges, patches, jackets, shirts or vests with badges, patches, or decals identifying them or purporting to identify them as a government official other than a bail enforcement agent; (3) using fictitious names representing themselves as government officials; or (4) using their position for immigration enforcement or assisting with immigration enforcement except pursuant to valid

court orders or judicial warrants. The provisions of Section 3 would not prohibit government entities or officials from sending to or receiving information regarding a person's citizenship or immigration status. Finally, Section 3 would define "immigration efforts."

The legislation's effective date is not specified but would presumably be 90 days following the adjournment of the Legislature.

FISCAL IMPLICATIONS

It is unclear how frequently the proposed new crimes would be charged or how often a defendant peace officer or person posing as an officer would require representation by LOPD, but any increase in criminal offenses could potentially increase the strain on LOPD. Any defendant charged with a crime has a constitutional right to a defense, and LOPD is tasked with providing that defense. Currently, several LOPD offices are operating at (or above) their caseload capacity. LOPD would have difficulty absorbing additional cases in these areas if charges were numerous.

In addition to the impact on LOPD, courts, DAs, AGs, and NMCD could anticipate some increased costs if the offenses end up being regularly prosecuted although it is unclear how frequently the new crimes would actually be charged.

SIGNIFICANT ISSUES

Sections 1 and 2 appear designed to address or prevent (1) federal immigration agents (and other officers) from acting as "secret police" by obscuring their badges, faces, and agencies; and (2) prevent federal immigration agents from falsely identifying themselves as police officers or officers of other governmental entities. Such tactics have been occurring across the country. *See e.g., Kidd v. Noem*, 2:20-cv-03512-ODW (a class action lawsuit filed by the ACLU in California based on federal immigration agents identifying themselves as police and wearing tactical gear also identifying the agents as "police").

The provisions of Section 1 of SB 57, limiting efforts to obscure faces, badges, names, or employers appear somewhat similar to California's SB 627 "No Secret Police Act." However, California's new law includes exceptions for translucent masks or face shields, SWAT or tactical team members performing official duties, motor cycle and diving equipment masks necessary for the performance of duties, N95 or surgical masks used to protect against the transmission of disease, eyewear necessary against the use of retinal weapons, and other helmets, masks or devices necessary to protect against exposure to toxins, gas, smoke, etc.

Section 1 of SB 57 does not contain any exemptions for certain face coverings which may be necessary to the performance of an officer's duties. Instead, for the misdemeanor offense of concealing identity of a peace officer Section 1 would use a reasonable person standard where the crime is committed if a reasonable person would believe the officer is acting without lawful authority by obscuring their name, badge, employer (or agency), or face. This standard allows for flexibility but is vague and potentially open to disparate interpretations or enforcement, which could result in litigation challenging this provision on vagueness grounds. *State v. Quintin C.*, 2019-NMCA-069, ¶ 9, 451 P.3d 901 (recognizing that it is a "fundamental role of constitutional law that crimes must be defined with appropriate definiteness"). There are also potential first amendment concerns in regulating what a person may wear, particularly when the standard for doing so lacks a heightened intent requirement. *See e.g., Counterman v. Colorado*, 600 U.S. 66

(2023) (indicating that even for regulating unprotected speech like true threats, the intent requirement must be heightened and involve some subjective knowledge of the speech's threatening or problematic nature). The aggravated form of the crime in Section 1 would specify that the individual must intend to deceive, intimidate, or interfere with the creation of a public record, providing for narrower application.

Section 3 of SB 57 appears to seek to address two issues. First, it appears to be an effort to prevent individuals acting as bail enforcement agents from purporting to act as peace officers or wearing clothing suggestive of being a government official when they are not authorized to do so, although its purpose is not particularly clear and it is not clear how it would be distinct from impersonating a peace officer or concealing identity. The prohibitions contained in Section 3 are also vague and potentially run afoul of the First Amendment considerations discussed above, particularly in the absence of a heightened intent requirement.

The second portion of Section 3 appears to be an effort to prevent bail enforcement individuals from disclosing or providing immigration information to ICE. It is unclear if private individuals can be restricted from relaying such information or if such regulation of speech would be permitted under the first amendment.

PERFORMANCE IMPLICATIONS

There appear to be constitutional issues with the bill in its current iteration which could result in time consuming litigation for the department or other interested entities.

ADMINISTRATIVE IMPLICATIONS

See Fiscal Implications, above

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

TECHNICAL ISSUES

Reviewer is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill, analyst is unaware if it has been drawn pursuant to a special message of the Governor, and it was not vetoed following the previous regular session.

OTHER SUBSTANTIVE ISSUES

None noted

ALTERNATIVES

Including exemptions for along the lines of those included in the California Bill. Requiring a heightened intent requirement for regulations that potentially impact speech.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None known