

AN ACT

RELATING TO PUBLIC BODIES; ENACTING THE IMMIGRANT SAFETY ACT;
PROHIBITING PUBLIC BODIES FROM ENTERING INTO AGREEMENTS USED
TO DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION
VIOLATIONS AND REQUIRING THE TERMINATION OF ANY SUCH EXISTING
AGREEMENTS; PROHIBITING PUBLIC BODIES FROM OTHERWISE USING
PUBLIC PROPERTY TO FACILITATE DETAINING INDIVIDUALS FOR
FEDERAL CIVIL IMMIGRATION VIOLATIONS.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Immigrant Safety Act".

SECTION 2. DEFINITION.--As used in the Immigrant Safety Act, "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 the authority of the public body.

SECTION 3. PROHIBITING PUBLIC BODIES FROM ENTERING INTO AGREEMENTS USED TO DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS AND REQUIRING PUBLIC BODIES TO

1 TERMINATE ANY SUCH EXISTING AGREEMENTS.--

2 A. A public body shall not enter into, extend,
3 renew or otherwise agree to be a party to an agreement to
4 detain individuals for federal civil immigration violations,
5 including an intergovernmental services agreement to detain
6 individuals for civil immigration violations. A public body
7 shall not enter into, extend, renew or otherwise agree to a
8 rider, amendment, supplement or other modification to an
9 agreement where the rider, amendment, supplement or other
10 modification is to detain individuals for federal civil
11 immigration violations.

12 B. A public body that is a party to an existing
13 agreement that is used to detain individuals for federal
14 civil immigration violations shall, upon the effective date
15 of the Immigrant Safety Act, terminate the agreement upon the
16 earliest date permissible under the terms of the agreement,
17 with respect to all provisions that relate to the detention
18 of individuals for federal civil immigration violations.

19 C. A public body shall not sell, trade, lease or
20 otherwise dispose of any real property to be used for the
21 detention of individuals for federal civil immigration
22 violations.

23 D. A public body shall not impose or continue in
24 effect any law, ordinance, policy or regulation that violates
25 or conflicts with the provisions of the Immigrant Safety Act.

1 E. Nothing in this section shall be construed to
2 limit the ability of law enforcement personnel to detain
3 individuals or to perform brief investigative stops as
4 permitted by state law.

5 **SECTION 4. PROHIBITING PUBLIC BODIES FROM ENTERING INTO**
6 **AGREEMENTS TO DEPUTIZE OFFICERS, EMPLOYEES OR AGENTS TO**
7 **PERFORM FUNCTIONS OF IMMIGRATION OFFICERS.--**

8 A. A public body shall not enter into, extend,
9 renew or otherwise agree to be a party to an agreement to
10 investigate, apprehend, detain or transport individuals
11 pursuant to 8 U.S.C. Section 1357(g) or 8 C.F.R. Section
12 287.7.

13 B. A public body shall not agree to be a party to
14 an agreement that deputizes officers, employees or agents of
15 the public body to perform a function of an immigration
16 officer in relation to the investigation, apprehension,
17 detention or transportation of noncitizens in the United
18 States or the removal of noncitizens from the United States.

19 C. A public body that is a party to an existing
20 agreement to investigate, apprehend, detain or transport
21 individuals pursuant to 8 U.S.C. Section 1357(g) or 8 C.F.R.
22 Section 287.7 shall, upon the effective date of the Immigrant
23 Safety Act, terminate the agreement upon the earliest date
24 permissible under the terms of the agreement. Where the
25 termination clause of the agreement permits the public body

1 to invoke exigent circumstances involving public safety, the
2 public body shall do so.

3 **SECTION 5. ENFORCEMENT.--**

4 A. The attorney general or a district attorney may
5 institute a civil action in district court if the attorney
6 general or district attorney has reasonable cause to believe
7 that a violation of the Immigrant Safety Act has occurred or
8 to prevent a violation of that act from occurring.

9 B. In an action brought under Subsection A of this
10 section, the court may award appropriate relief, other than
11 monetary damages, to include declaratory and temporary,
12 preliminary or permanent injunctive relief.

13 **SECTION 6. SEVERABILITY.--**If any part or application of
14 the Immigrant Safety Act is held invalid, the remainder or its
15 application to other situations or persons shall not be
16 affected.

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