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FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/11

SPONSOR Griego, E. LAST UPDATED _____ HB _____

SHORT TITLE Law Enforcement Immigration Status Inquiries SB 419

ANALYST Segura

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	None		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Public Safety (NMSP)

Attorney General's Office (AOG)

Administrative Office District Attorney (AODA)

SUMMARY

Synopsis of Bill

Senate Bill 419 prohibits inquiry into immigration status.

FISCAL IMPLICATIONS

Senate Bill 419 contains no appropriation.

SIGNIFICANT ISSUES

According to DPS the bill proposes to enact legislation which sets restrictions on state and local law enforcement agencies as to their potential enforcement of federal civil immigration laws and further restricts their ability to inquire into the immigration status of a person.

The Attorney General's Office states that whether the bill merely confirms the constitutional limits on what State and local law enforcement officials may do in immigration matters, on the basis that the regulation of immigration issues is a matter that belongs exclusively in the province of the federal government. Also, AOG raise policy as opposed to legal questions; whether the bill unnecessarily impedes State and local law enforcement from assisting federal authorities in addressing immigration violations, and whether the bill sets proper parameters so that state and local law enforcement officials can be trusted by communities and victims of crime to come forward with needed information.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 419 is similar to Senate Bill 152

OTHER SUBSTANTIVE ISSUES

The AOG raises the question does Senate Bill 419 need an exception, as provided in Senate Bill 152? In Senate Bill 152, it states that. "State and Local law enforcement officers may assist in immigration matters whenever they are "legally required to do so" and whenever they witness a person committing a misdemeanor by illegally crossing an international border". Also, that a provision in Senate Bill 419 like in Senate Bill 152, provide that a "state of local law enforcement officer may respond to a request by a federal law enforcement officer for assistance" except as otherwise prohibited in the bill.

DPS indicates that one possible fiscal implication involves the federal monies that state and local law enforcement receive. If restrictions are placed on state and local law enforcement officers they would not be able to participate in some federal initiatives and thereby would be ineligible to receive related federal monies.

RS/svb