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SENATE BILL 152

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Richard C. Martinez

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT; PROHIBITING STATE AND LOCAL LAW ENFORCEMENT AGENCIES FROM ENFORCING FEDERAL IMMIGRATION LAWS IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 29-1-10 NMSA 1978 (being Laws 1966, Chapter 24, Section 1) is amended to read:

"29-1-10. LAW ENFORCEMENT AGENCIES--USE OF CERTAIN RESOURCES PROHIBITED.--~~[All state and local law enforcement agencies are hereby authorized to participate in the Federal Law Enforcement Assistance Act of 1965, Public Law 98-197.]~~

A. A law enforcement agency of the state or a political subdivision of the state shall not use state funds, equipment, personnel or resources nor accept or utilize federal funds, equipment, personnel or resources for the purpose of

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1 detecting or apprehending persons whose only violation of law
2 is that they are persons of foreign citizenship who are present
3 in the United States in violation of federal immigration laws
4 in Title 8 of the United States Code, unless otherwise legally
5 required to do so.

6 B. Subsection A of this section does not apply to a
7 law enforcement officer who witnesses a person committing a
8 misdemeanor by illegally crossing an international border of
9 the United States.

10 C. A state, county or local law enforcement officer
11 may respond to a request by a federal law enforcement officer
12 for assistance, except as prohibited by Subsection A of this
13 section."

14 SECTION 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2011.