

SENATE BILL 145

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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and Gail Chasey

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

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

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

SECTION 1. [NEW MATERIAL] PROHIBITING PUBLIC BODIES FROM

.227428.1AIC February 6, 2024 (4:07pm)

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ENTERING INTO AGREEMENTS TO DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS AND REQUIRING PUBLIC BODIES TO TERMINATE ANY SUCH EXISTING AGREEMENTS.--

A. No public body or entity or individual acting on behalf of or within the scope of the authority of a public body may enter into or renew any contract, intergovernmental service agreement, memorandum of understanding or any other agreement to detain individuals for federal civil immigration violations.

B. Any public body or entity or individual acting on behalf of or within the scope of the authority of a public body with an existing contract, intergovernmental service agreement, memorandum of understanding or other agreement that is used, whether in whole or in part, to detain individuals for federal civil immigration violations shall exercise the termination provision in the contract, intergovernmental service agreement, memorandum of understanding or other agreement as applied to detaining individuals for federal civil immigration violations no later than May 15, 2024 SHPAC→for the earliest effective date permissible under the termination provision←SHPAC. If any existing contract, intergovernmental service agreement, memorandum of understanding or other agreement does not contain a termination provision that the public body or entity or individual acting on behalf of or within the scope of the authority of a public body can exercise by May 15, 2024, the public body or entity or individual acting

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on behalf of or within the scope of the authority of the public body shall exercise the termination provision as soon as possible within the terms of the contract, intergovernmental service agreement, memorandum of understanding or other agreement.

SECTION 2. [NEW MATERIAL] PROHIBITING PUBLIC BODIES FROM OTHERWISE USING PUBLIC RESOURCES TO FACILITATE DETAINING INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS.--

A. No public body or entity or individual acting on behalf of or within the scope of the authority of a public body may:

(1) sell, trade, lease or otherwise dispose of any real or personal property belonging to the public body for the purpose of facilitating the establishment or operation of a facility that detains or will detain individuals for federal civil immigration violations;

(2) use any funds or assets belonging to the public body to pay, reimburse, subsidize or defray in any way any cost related to the sale, purchase, construction, development, ownership, management or operation of a facility that detains or will detain individuals for federal civil immigration violations;

(3) receive per diem per detainee payments or any other payment related to the detention of individuals for federal civil immigration violations;

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(4) otherwise give any financial incentive or benefit for the purpose of facilitating the establishment or operation of a facility that detains or will detain individuals for federal civil immigration violations; or

(5) impose or continue in effect any law, ordinance, policy or regulation that violates or conflicts with the provisions of this 2024 act.

Sf11→**B. Nothing in this section shall be construed to limit the ability of law enforcement personnel to temporarily detain individuals for the purpose of investigatory detention.**←Sf11

Sf11→**B.**←Sf11 Sf11→**C.**←Sf11 A public body or entity or individual acting on behalf of or within the scope of the authority of a public body may receive and disburse any payments related to a contract, intergovernmental service agreement, memorandum of understanding or other agreement described in Section 1 of this 2024 act for the time period between exercising the termination provision and the date that termination becomes effective.

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