

LFC Requester:

Micaela Fischer

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to billanalysis@dfa.nm.gov****(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}***Date Prepared:** 02/05/2025 *Check all that apply:***Bill Number:** SB250 Original ☐ Correction ☐
Amendment ☐ Substitute ☒**Agency Name
and Code****Number:** 770-NMCD**Sponsor:** Antonio Maestas
Short Title: State Enforcement of Immigration Law**Person Writing** Anisa Griego-Quintana**Phone:** 505-479-2296 **Email** anisa.griego-quinta@cd.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Judiciary Committee substitute for SB250 adds a provision that the bill's prohibition on government cooperation with federal immigration officials does not affect existing contracts between counties and the federal government for the housing of federal detainees. This added provision seems to be in direct conflict with HB9, which has passed the House and is currently in the Senate, and which prohibits public bodies from entering into agreements used to detain individuals for federal civil immigration violations and requires any existing agreements to be terminated.

In its substituted form, SB250 would stop state, county and local governments from coordinating or cooperating with federal immigration officials' efforts to identify, apprehend and deport undocumented immigrants. Excludes jail administrators and sheriffs in cases in which they're obligated under federal law to release an individual being detained related to a criminal proceeding.

Does not affect existing contracts between counties and the federal government for the housing of federal detainees or the extension of such contracts.

Repeals Sec. 29-1-10, which authorizes local and state law enforcement agencies to participate in with the Federal Law Enforcement Assistance Act of 1965. According to the title of the bill, this is an obsolete reference.

FISCAL IMPLICATIONS

None for the Corrections Department.

SIGNIFICANT ISSUES

The National Crime Information Center (NCIC) is a national database maintained by the FBI that contains information on criminal activity, including warrants for individuals wanted by law enforcement agencies. This system is used by local, state, and federal agencies to track and share data about wanted persons, stolen property and other criminal records. In cases involving undocumented immigrants, federal immigration officials may enter an immigration-related arrest warrant into the NCIC database.

The Corrections Department uses the NCIC system during the intake process, whether for individuals entering a prison facility or for community supervision. However, the Corrections Department only becomes involved in immigration-related matters when a warrant is entered into the NCIC system. The department does not actively search for individuals based on immigration status, and instead, it responds only when alerted by the presence of a federal immigration warrant. When flagged, the Corrections Department may coordinate with federal immigration authorities, which could include actions like transferring individuals for deportation. The Corrections Department involvement is limited and only happens in response to an

established legal warrant.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

It is unknown whether NMCD or the State receives grants pursuant to the Federal Law Enforcement Assistance Act of 1965, whether the federal government conditions federal funding on state authorization of law enforcement to participate in the Federal Law Enforcement Assistance Act of 1965, or whether eligibility for federal funding would be affected by the repeal of Section 29-1-10.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.