

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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: 1-29-26 *Check all that apply:*
Bill Number: HB-9 Original Correction
 Amendment Substitute

	Agency Name and Code	<u>AODA 264</u>
Sponsor:	<u>E.Chavez/Rubio/A Romero/Anaya/Cervantes</u>	Number: _____
Short Title:	<u>Immigrant Safety Act</u>	Person Writing <u>Dustin O'Brien</u>
	Phone: <u>5054865806</u>	Email <u>animasrio@gmail.com</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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

HB 9 creates a statewide prohibition on the use of state or local governmental resources to support federal immigration detention. It prohibits participation in federal immigration detention infrastructure through contracts and public property use. It also requires that all public bodies in the State terminate and existing agreements as soon as the lawfully can. It allows but does not require that the Attorney General or District Attorneys bring suit to enforce the Act.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. If District Attorneys brings suit against a public body, it may require additional training and resources for current staff or the contracting of outside counsel to conduct litigation.

Any federal funding removed from this State because of a public entity's current or prospective agreement with the Federal Government would cause a loss of that resource and associated employment revenue.

SIGNIFICANT ISSUES

The bill would limit the ability of local law enforcement and district attorneys to cooperate with federal authorities in the enforcement and prosecution of individuals who have only a civil immigration detainer but a pending state criminal matter. The transfer of individuals out of New Mexico by the United States will make it more difficult to prosecute pending criminal matters against immigrants charged but not held under state law.

In the event the United States continues to hold immigrants detained civilly but released on a pending state criminal matter, it would require that they be held outside of New Mexico making access for all interested parties more difficult. This would not only include the prosecution but also the defendant's attorney and family.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

In the event District Attorneys were required to enforce the Act, there would need to be additional training of staff or funding to contract with outside counsel.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status Quo

AMENDMENTS

The proposed amendment to the House Judiciary Committee clarifies that public bodies may not enter into, extend, renew, or modify agreements for the purpose of detaining individuals for federal civil immigration violations. It adds a new section prohibiting public bodies from entering into or continuing agreements under 8 U.S.C. 1357(g) or 8 C.F.R. 287.7 that authorize local officers, employees, or agents to perform federal civil immigration functions. The amendment also requires public bodies that are currently parties to such agreements to terminate them at the earliest date allowed under the contract. This amendment does not change the fiscal analysis for district attorneys.