

<b>LFC Requester:</b>	<b>LFC Analyst Scott Sanchez</b>
-----------------------	----------------------------------

**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)2.0*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 28JAN26 *Check all that apply:*  
**Bill Number:** HB9A Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Eleanor Chavez, Sen. Joseph Cervantes, Rep. Angelica Rubio, Rep. Andrea Romero, Rep. Marianna Anaya  
**Short** Immigrant Safety Act

**Agency Name and Code Number:** 790 – Department of Public Safety  
**Person Writing** Matthew Broom, Deputy Chief  
**Phone:** 5757601485 **Email:** Matthew.broom@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	N/A	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**

HB9A prohibits public bodies from extending, renewing, or modifying any agreement—including intergovernmental service agreements—that provides for the detention of individuals for federal civil immigration violations.

The bill also bars public bodies from entering into or continuing agreements under 8 U.S.C. §1357(g) or 8 C.F.R. §287.7, or any agreement that deputizes local officers, employees, or agents to perform federal immigration enforcement functions.

Finally, HB9A requires public bodies to terminate any existing immigration enforcement agreements at the earliest permissible date and to invoke public safety exigency clauses where available.

### **FISCAL IMPLICATIONS**

The amendment has no fiscal impact to DPS. The Department does not currently hold any 287(g) agreements or intergovernmental service agreements for civil immigration detention.

### **SIGNIFICANT ISSUES**

This bill is likely to survive a federal preemption challenge as HB9A is unlikely to be preempted by federal law. While the federal government has primary authority over immigration, Supreme Court precedent allows states to decline voluntary participation in federal immigration enforcement. HB9A does not interfere with federal operations; it limits the use of state and local resources and preserves existing state law enforcement powers. Under the anti-commandeering doctrine the bill fits within lawful state authority, making the federal preemption risk low. *See Printz v. United States*, 521 U.S. 898 (1997); *Murphy v. NCAA*, 138 S. Ct. 1461 (2018); *Arizona v. United States*, 567 U.S. 387 (2012).

Notably, California (SB 54, California Values Act), Illinois (TRUST Act), Washington (Keep Washington Working Act), and New Jersey (Immigrant Trust Directive, codified 2026) have enacted similar legislation restricting state involvement in federal immigration enforcement. Federal courts have upheld these laws against preemption challenges. *See United States v. California*, 921 F.3d 865 (9th Cir. 2019), *cert. denied*.

Additionally, it should be noted that the 287(g) program under 8 U.S.C. §1357(g) is expressly voluntary—it authorizes but does not mandate state participation. A state’s decision to withdraw from or decline such programs is constitutionally protected.

### **PERFORMANCE IMPLICATIONS**

The amendment has no performance implications for DPS.

### **ADMINISTRATIVE IMPLICATIONS**

The amendment has no additional administrative implications for DPS.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The amendment has no conflict, duplication, companionship or relationship to DPS.

## **TECHNICAL ISSUES**

Section 4(C) requires terminating public bodies to invoke exigent circumstances clauses “involving public safety;” however, the Section does not define what constitutes such circumstances. This may create interpretive questions for agencies with existing agreements, though it appears to reference standard contractual termination provisions.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

Not applicable as no impact to DPS.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo would remain.

## **AMENDMENTS**

None.