

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply: Date January 29, 2015
Original **Amendment** **Bill No:** S 315
Correction **Substitute**

Sponsor: Richard C. Martinez **Agency Code:** Attorney General's Office
Short Title: LAW ENFORCEMENT & FEDERAL IMMIGRATION LAWS **Person Writing** Marco P. Serna
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

Senate Bill 315 is an Act that issues a new directive pursuant to Section 29-1-10 NMSA 1978, that no State or local law enforcement agency may use state or federal funds/personnel/resources “for the purposes of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship who have entered or are residing in the United States” in violation of US immigration laws (Title 8 United States Code).

In addition, Senate Bill 315 specifies that the “workforce solutions department” is not a law enforcement agency for purposes of this Act.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Section 29-1-10 NMSA 1978 cites both the Federal Law Enforcement Assistance Act of 1965 (erroneously cites Public Law 98-197) as well as Public Law 89-197, both of which seek to provide assistance and training to State and local law enforcement agencies to prevent and control crime through federally funded grants. Senate Bill 315 appears to replace section 29-1-10 altogether which potentially prevents any State and or local law enforcement agency from receiving available federal funding.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

Section 29-1-10 NMSA 1978 erroneously cites Public Law 98-197. This should be removed.

The Federal Law Enforcement Assistance Act of 1965 was repealed by Public Law 90-351 in 1968.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A