

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

This Bill raises concerns about whether state or local law enforcement officers and resources should be used in any capacity to assist with federal immigration law enforcement. From a practical standpoint, there are problems with “racial profiling,” or at least the impression of “racial profiling,” and the lack of cooperation in immigrant communities if state and local law enforcement become seen as an agent of ICE. Assisting the federal government to enforce immigration laws could also expose state and local law enforcement to civil lawsuit liability for violating constitutional rights of residents.

We are aware of only one state, Arizona, that passed legislation to allow local law enforcement to assist in immigration law enforcement. This bill thus appears designed to affirm as a matter of State policy that law enforcement officers in New Mexico should not play any active role in federal immigration matters.

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The Federal Law Enforcement Assistance Act of 1965 was repealed by Public Law 90-351 in 1968. Therefore, the current law in section 29-1-10 NMSA 1978 has no force or effect, and the bill's striking of that language will not affect the ability of law enforcement offices in New Mexico to apply for and receive available federal grants.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A