

1 HOUSE BILL 195

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Patricia Roybal Caballero

5
6
7
8
9
10 AN ACT

11 RELATING TO FEDERAL USE OF STATE RESOURCES; PROHIBITING STATE
12 AND LOCAL AGENCIES FROM EXPENDING RESOURCES TO ENFORCE FEDERAL
13 IMMIGRATION LAWS; RESTRICTING AUTHORITY OF SHERIFFS AND JAILS
14 TO HOLD FEDERAL DETAINEES; REPEALING A REFERENCE IN STATE LAW
15 TO A REPEALED FEDERAL LAW.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. [NEW MATERIAL] NON-ENFORCEMENT OF FEDERAL
19 IMMIGRATION LAWS.--

20 A. Except as provided in Section 33-3-16 NMSA 1978
21 and Subsection B of this section, neither the state nor a
22 political subdivision of the state or their agencies or
23 instrumentalities, including home rule municipalities, shall
24 use or authorize the use of public funds, personnel, property,
25 equipment or resources for the purpose of identifying,

.212296.1

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 detecting, apprehending, arresting, detaining or prolonging the
2 detention of a person based on a suspicion or knowledge that
3 the person has entered or is residing in the United States in
4 violation of federal immigration laws or for the purpose of
5 assisting agents of the federal government in any such activity
6 based on such suspicion or knowledge, including pursuant to any
7 agreement, formal or informal, with the federal government.

8 B. Nothing in this section shall be deemed to
9 prohibit a county government that was a party to an
10 intergovernmental service agreement for the housing of federal
11 detainees as of January 1, 2019, from continuing to perform its
12 obligations under such agreement or from extending the term
13 thereof.

14 SECTION 2. Section 33-3-16 NMSA 1978 (being Laws
15 1865-1866, Chapter 19, Section 15, as amended) is amended to
16 read:

17 "33-3-16. UNITED STATES PRISONERS.--~~[It shall be the duty~~
18 ~~of]~~ The sheriff of each county [~~his~~] or the sheriff's deputy,
19 the jailer, the jail administrator as defined in Section
20 4-44-19 NMSA 1978 or the independent contractor to whom any
21 person [~~shall be~~] is remitted in conformity with a [~~legal~~
22 ~~process issued by or under the authority of the United States,~~
23 ~~and he is hereby required, to]~~ warrant or order issued by a
24 United States district judge in a criminal proceeding may
25 receive such person [~~or persons~~] into [~~his~~] custody and keep

.212296.1

underscoring material = new
~~[bracketed material]~~ = delete

1 ~~[them]~~ the person safely until ~~[they shall be]~~ the person is
2 placed at liberty according to the laws of the United States
3 ~~[provided that]~~. The United States shall be responsible for
4 the payment of the fee ~~[which]~~ that shall be established from
5 time to time by the sheriff or the sheriff's deputy, the
6 jailer, the jail administrator or the independent contractor in
7 charge of the operation of a jail."

8 SECTION 3. REPEAL.--Section 29-1-10 NMSA 1978 (being
9 Laws 1966, Chapter 24, Section 1) is repealed.

10 - 3 -