

1 HOUSE BILL 9
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; ENACTING THE IMMIGRANT SAFETY ACT;
12 PROHIBITING PUBLIC BODIES FROM ENTERING INTO AGREEMENTS USED TO
13 DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS AND
14 REQUIRING THE TERMINATION OF ANY SUCH EXISTING AGREEMENTS;
15 PROHIBITING PUBLIC BODIES FROM OTHERWISE USING PUBLIC PROPERTY
16 TO FACILITATE DETAINING INDIVIDUALS FOR FEDERAL CIVIL
17 IMMIGRATION VIOLATIONS.

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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
21 cited as the "Immigrant Safety Act".

22 SECTION 2. [NEW MATERIAL] DEFINITION.--As used in the
23 Immigrant Safety Act, "public body" means a state or local
24 government, an advisory board, a commission, an agency or an
25 entity created by the constitution of New Mexico or any branch

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1 of government that receives public funding, including political
2 subdivisions, special tax districts, school districts and
3 institutions of higher education.

4 SECTION 3. [NEW MATERIAL] PROHIBITING PUBLIC BODIES FROM
5 ENTERING INTO AGREEMENTS USED TO DETAIN INDIVIDUALS FOR FEDERAL
6 CIVIL IMMIGRATION VIOLATIONS AND REQUIRING PUBLIC BODIES TO
7 TERMINATE ANY SUCH EXISTING AGREEMENTS.--

8 A. No public body may enter into, renew or
9 otherwise agree to be a party to any agreement to detain
10 individuals for federal civil immigration violations, including
11 any intergovernmental services agreement to detain individuals
12 for federal civil immigration violations.

13 B. A public body that is a party to any existing
14 agreement that is used to detain individuals for federal civil
15 immigration violations shall exercise the termination provision
16 of the agreement as applied to its use for detaining
17 individuals for federal civil immigration violations
18 immediately upon the effective date of the Immigrant Safety Act
19 for the earliest effective date permissible under the terms of
20 the agreement.

21 C. No public body may sell, trade, lease or
22 otherwise dispose of any real property for the detention of
23 individuals for federal civil immigration violations.

24 D. No public body may impose or continue in effect
25 any law, ordinance, policy or regulation that violates or

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1 conflicts with the provisions of the Immigration Safety Act.

2 E. Nothing in this section shall be construed to
3 limit the ability of law enforcement personnel to detain
4 individuals for the purpose of investigatory detention as
5 permitted by state law.

6 F. Where the Immigrant Safety Act includes a
7 provision applicable to a public body, that provision likewise
8 applies to any entity or individual acting on behalf of or
9 within the scope of the authority of the public body.

10 SECTION 4. [NEW MATERIAL] ENFORCEMENT.--

11 A. The attorney general or a district attorney may
12 institute a civil action in district court if the attorney
13 general or district attorney has reasonable cause to believe
14 that a violation of the Immigrant Safety Act has occurred or to
15 prevent a violation of that act from occurring.

16 B. In any action brought under Subsection A of this
17 section, the court may award appropriate relief, other than
18 monetary damages, to include declaratory and temporary,
19 preliminary or permanent injunctive relief.

20 SECTION 5. [NEW MATERIAL] SEVERABILITY.--If any part or
21 application of the Immigrant Safety Act is held invalid, the
22 remainder or its application to other situations or persons
23 shall not be affected.