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The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR:	Μ	artinez	DATE TYPED:	1/31/0)3	HB	
SHORT TITL	E:	Prohibit Illegal Immi	grant Apprehensior	1		SB	111
				А	NALY	'ST:	Fox-Young

APPROPRIATION

Appropriatio	on Contained	Estimated Add	litional Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			Unknown		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

<u>Responses Received From</u> Administrative Office of the District Attorneys (AODA) Administrative Office of the Courts (AOC) Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 111 amends Section 29-1-10 to prohibit a law enforcement agency of the state or its political subdivisions from using state funds, equipment or personnel to detect or apprehend persons whose only violation of law is of federal immigration law.

This prohibition does not extend to the Labor Department.

A law enforcement agency may exchange information with the United States immigration and naturalization service in order to verify the immigration status of a person if the person is arrested for a criminal offense or to request criminal investigation information with reference to persons named in service records.

Significant Issues

• The bill strikes the language from 29-1-10 that authorizes all state and local law enforcement agencies to participate in the Federal Law Enforcement Assistance Act of 1965.

- According to general counsel at the Department of Public Safety, noncompliance with the Federal Law Enforcement Assistance Act of 1965 does not jeopardize any of the state's federal funding or programs.
- Department of Public Safety (DPS) notes that this bill has the potential to deter routine police work. DPS is concerned that officers may be implicated for furthering illegal immigration during the course of routine police business.

FISCAL IMPLICATIONS

To the extent that New Mexico is currently using state and local law enforcement resources to assist the federal government in the enforcement of immigration laws where no other violations of the law are involved, this bill may present a cost savings. If the state is to lose federal funding by virtue of the prohibition detailed in the bill, there could be a net loss.

POSSIBLE QUESTIONS

Does nonparticipation in the Federal Law Enforcement Assistance Act of 1965 jeopardize any federal funding/cooperation/assets?

Does the Federal Law Enforcement Assistance Act of 1965 encompass programs unrelated to the enforcement of federal immigration laws?

JCF/yr