

LFC Requester:

Julisa Rodriguez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/20/2025

Check all that apply:

Bill Number: HB27

Original Correction
Amendment Substitute

Sponsor: Rep. Kathleen Cates

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Librarian Protection Act

Analysis: Alex Tucker

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: HB27 requires libraries to establish or adopt written policies consistent with either the American Library Association’s Library Bill of Rights or the State Librarian in order to be eligible to receive state funds. The policies must include a requirement that library materials not be proscribed or removed because of partisan or doctrinal disapproval of the material's content or based on the author's race protected class status. The bill further prohibits political subdivisions of the state from reducing funding for a public library due to the library’s compliance with the bill.

FISCAL IMPLICATIONS

N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Because the Act concerns a form of speech (books), it is possible that the Act receives First Amendment challenges. However, it is noteworthy that the Act is likely consistent with *Supreme Court precedent Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982), wherein the Supreme Court’s plurality opinion suggests that school boards may not remove books from libraries simply due to disapproval with ideas within them.

HB27 may face challenges due to varied interpretation and application of the language “partisan or doctrinal approval.”

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Substantially similar to HB123 of the 2024 session. The Act is also similar to legislation passed in Illinois and other states outlawing book banning. However, the Act is different from HB123 (2024) because it does not condition receipt of state funds on compliance with the Act.

TECHNICAL ISSUES

Consider defining “partisan or doctrinal disapproval” as used in the Act, so it is easier to distinguish between challenges to books for the unlawful reasons in Section 3(A), and challenges to books for lawful reasons. This may clarify the line between the type of unlawful challenge contemplated in Section 3(A), and the type of lawful challenge recognized in Section 3(C).

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.