

LFC Requester:

Scott Sanchez

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: February 10, 2025

Check all that apply:

Bill Number: HB 316

Original Correction
Amendment Substitute

Sponsor: Rep. John Block, Rep. Stefani Lord

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

Person Writing

Short Title: Interference with Federal Immigration Law

Analysis: AAG Nicolas Cordova

Phone: 505-537-7676

Email: legisfir@nmag.gov

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: HB 316 would prohibit the adoption or continued effect of any state or local law, ordinance, rule, or regulation that (1) prohibits or restricts personnel or resources from being used to aid in enforcing federal immigration law, or (2) interferes with federal immigration law enforcement.

FISCAL IMPLICATIONS

Although this bill does not expressly assign enforcement authority to a specific agency, the NMDOJ—as the state’s chief law enforcement agency—may ultimately be responsible for enforcing the bill’s prohibition. However, the bill does not appropriate additional funds to the NMDOJ or to any other agency for the enforcement of its prohibition. It is unclear whether the NMDOJ would require additional resources, including full-time employees, to fulfill the investigation- and litigation-related tasks involved in enforcing the bill.

SIGNIFICANT ISSUES

The bill would eliminate all decision-making by state or local governments regarding whether to assist in federal immigration law enforcement. Due to the Tenth Amendment and the “anticommandeering doctrine”—which is a recognition of the United States Constitution’s “decision to withhold from Congress the power to issue orders directly to the States,” *Murphy v. NCAA*, 584 U.S. 453, 470 (2018)—no federal law **requires** state or local governments to assist in federal immigration law enforcement. HB 316 would deprive state and local policymakers of the ability to decide how best to allocate their limited resources, to advance their communities’ public safety needs, and to build trust among all members of their communities. *Cf. id.* at 473 (explaining that the anticommandeering doctrine makes apparent who is responsible “for the benefits and burdens of the regulation” and “prevents Congress from shifting the costs of regulation to the States”).

State and local officials’ participation or complicity in federal immigration law enforcement may implicate the New Mexico Constitution’s protections of due process and equal protection and against unreasonable searches and seizures. *See* N.M. Const. art. II, §§ 10, 18. Accordingly, passage of the bill could expose state and local governments to civil liability under the New Mexico Civil Rights Act. *See* NMSA 1978, §§ 51-4A-1 to -13.

The bill’s prohibition against the adoption or continued effect of laws, ordinances, rules, or

regulations that “interfere with the enforcement of federal immigration law” is vague and may therefore lead to subjective and ad hoc application across the state. Relatedly, because HB 316 does not expressly repeal or amend other state laws that may conflict with the bill’s prohibition, public and private actors are not on notice regarding which laws remain intact and which laws must give way to HB 316 solely because the impacted individual is a non-citizen. For example, if federal law enforcement requests a non-citizen’s health records from a healthcare provider, the provider may be unable to determine whether their decision is controlled by state law protecting the confidentiality of such information or by HB 316’s requirement that the state “shall not . . . continue in effect any law . . . that would . . . interfere with the enforcement of federal immigration law.”

PERFORMANCE IMPLICATIONS

Although this bill does not expressly assign enforcement authority to a specific agency, the NMDOJ—as the state’s chief law enforcement agency—may ultimately be responsible for enforcing the bill’s prohibition. Because the bill does not appropriate additional funds for additional employees and/or resources to the NMDOJ for the enforcement of its prohibition, the NMDOJ may not be readily able to effectuate the bill.

ADMINISTRATIVE IMPLICATIONS

See above regarding the vague standard for enforcement. Also, the same issues may arise as stated in Performance Implications.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 316 duplicates SB 87 (“Use of Resources & Federal Immigration Law”).

HB 316 would conflict with SB 36 (“Sensitive Personal Information Nondisclosure”) and SB 250 (“State Enforcement of Immigration Law”).

TECHNICAL ISSUES

None noted

OTHER SUBSTANTIVE ISSUES

None noted

ALTERNATIVES

None noted

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS