

LFC Requester:

Sunny Liu

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 21, 2025

Check all that apply:

Bill Number: HB 523

Original X Correction
Amendment Substitute

Sponsor: Rep. Raymundo Lara, Rep. Yanira Gurrola, Rep. Sarah Silva, Rep. Angelica Rubio

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

Person Writing

Analysis: Eduardo Ugarte

Short Title: Limit Disruptions in Schools

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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: The bill would provide that a federal immigration agent with a judicial warrant for a person presumed to be physically inside a public school may request access to that public school from the local superintendent or the head administrator of the charter school. The bill further provides that either of these two officials shall review the request and determine whether access to the public school is permitted by law.

FISCAL IMPLICATIONS

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

The bill presents Supremacy Clause concerns and separation of powers issues. A judicially-approved warrant is a court order. The owner the premises subject to a search warrant does not have to give consent to the search. *See, e.g., State v. Vargas, 2017-NMCA-023, ¶ 19* (recognizing that consent is an exception to the warrant requirement, not an element of a search). And the owner of a premises does not have to give permission for law enforcement executing a warrant to enter; at most, law enforcement acting under the state constitution must knock and announce their purpose before entering. *See State v. Attaway, 1994-NMSC-011, ¶ 22, 117 N.M. 141.* Because the bill does not distinguish between search and arrest warrants, it would presumably apply to both categories.

The bill would charge school administrators with “determin[ing] whether access to the public school is permitted by law.” It is not clear how such officials should make that legal determination, or what the administrators should do if they conclude that immigration officials should not be let in. Although some warrants may be invalid, the Act could not, under separation of powers and Supremacy Clause principles, authorize school officials to countermand a valid federal search warrant. To the extent that the bill would require or permit school administrators to affirmatively bar immigration officials from entry into a school pursuant to a valid judicial warrant, those administrators could face criminal liability. *See 8 U.S.C. § 1324.*

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB523 relates to other pending legislation addressing the role of state and local governments in federal immigration enforcement. The bill is similar in scope to HB9 and SB250, which also seek to limit state cooperation with federal immigration enforcement. It conflicts with SB87 and HB316, which take opposing policy approaches.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None yet.