

LFC Requester:

Joseph Simon

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/6/25 *Check all that apply:*
Bill Number: SB36 Original Correction
Amendment Substitute

Sponsor: Sen Sedillo Lopez **Agency Name and Code:** HCA-630
Short Title: Nondisclosure of Sensitive Personal Info Act **Number:** _____
Person Writing: Chris Foster **Phone:** _____ **Email:** Christopher.foster@hc

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NA	NA		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NA	NA	NA		

(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	NA					

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This Bill modifies the duties of Public Officers and Employees in Chapter 10 of the New Mexico Statutes Annotated. Certain elements of Personal Information collected in the course of business would be precluded from disclosure pursuant to Federal Immigration statutes, rules and efforts. Civil penalties and fines would be enforced. Changes are made to the Motor Vehicle Code in a similar manner

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

Federal law, 8 USCS § 1373(a) states: “Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” However, judicial decisions from other jurisdictions generally indicate that jurisdictions are operating within their constitutionally-prescribed bounds when they refuse to cooperate with federal immigration authorities. *City of Chicago v. Sessions*, 321 F. Supp. 3d 855, 890 (N.D. Ill. 2018); *United States v. California*, 314 F. Supp. 3d 1077, 1101, (E.D. Cal. 2018); *City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 328–331 (E.D. Pa. 2018).

PERFORMANCE IMPLICATIONS

Protection of state employees will require indemnification and legal representation.

ADMINISTRATIVE IMPLICATIONS

SB36 states that an entity that receives or has access to records or information from the department or division, including through a database or automated network, shall certify in writing to the department or division, before receipt of or access to the information, and as a condition of renewal of any agreement for such receipt or access, that the entity shall not use or disclose the records or information for the purpose of enforcing federal immigration law. HCA could attempt to ensure that entities with which HCA shares data acknowledge the provisions in this bill prior to gaining access to any systems via Memoranda of Understanding (MOUs). However, this could introduce legal conflicts that other entities would not be able to agree to.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed statutes at 10-3(D) requiring cooperation with Federal laws are in direct internal

conflict with the later stated purposes and penalties of the bill as to cooperation denial.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Likely prosecution for officers and employees seeking to comply or rectify the proposed changes.

AMENDMENTS