

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Gurrola/Silva/Lara</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>2/28/25</u>
<b>SHORT TITLE</b> <u>Providing Immigration Help Without License</u>	<b>BILL NUMBER</b> <u>House Bill 574</u>
	<b>ANALYST</b> <u>Chavez</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>NMAG</b>	<b>No fiscal impact</b>	<b>Indeterminate but minimal</b>	<b>Indeterminate but minimal</b>	<b>Indeterminate but minimal</b>	Recurring	<b>General Fund</b>

Parenttheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
 New Mexico Attorney General (NMAG)  
 Secretary of State (SOS)  
 Health Care Authority Department (HCAD)

Agency Analysis was Solicited but Not Received From  
 Cultural Affairs Department (DCA)  
 Homeland Security and Emergency Management Department (DHSEM)

## SUMMARY

### Synopsis of House Bill 574

House Bill 574 (HB574) would amend the definition of “unfair or deceptive trade practice” in the Unfair Practices Act to include the provision of immigration consultation or services without being licensed to practice law or without working under a licensed attorney’s supervision. HB574 also clarifies that NMSA 1978, Section 14-14A-24(C)’s prohibition of non-attorneys performing notarial acts and identifying as a “notario” or “notario publico” is an unfair or deceptive trade practice.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## FISCAL IMPLICATIONS

The bill strengthens the Unfair Practices Act by explicitly prohibiting non-attorneys or those not supervised by an attorney from offering immigration services. This increases the New Mexico

Attorney General’s (NMAG) enforcement responsibilities, but, as NMAG notes, it’s uncertain if the agency will need more resources or staff to handle the added workload; this analysis assumes HB574’s fiscal impact would be indeterminate but minimal.

## **SIGNIFICANT ISSUES**

NMAG provides the following:

The existing Immigration & Nationality Law Practice Act (INLPA), NMSA 1978, §§ 36-3-1 to -10, already prohibits similar conduct. The INLPA is intended “to prevent the unauthorized practice of law by nonlawyers who hold themselves out as immigration consultants rendering services in immigration, nationality or citizenship matters and who are outside pertinent federal regulations regulating the practice of immigration law.” § 36-3-2. The INLPA currently prohibits rendering “for compensation any service constituting the unlawful practice of law,” which the INLPA defines as giving “legal advice of any kind or act[ing] on behalf of a client in any legal matter without authorization under the INLPA.” § 36-3-3(D), -5. The NMAG is authorized to enforce the INLPA, and “persons having an interest or right which is or may be adversely affected under the [INLPA] may initiate an action for private remedies [under the UPA].” § 36-3-6.

The term “immigration consultations or services” is undefined. It appears that that HB574 is intended to prohibit nonlawyers from offering what are functionally legal services. If this is the case, the term could read instead “immigration law consultations or services” to provide greater clarity.

The Secretary of State provides the following:

Under existing law, a person who uses the term "notario" or "notario publico" who is not a licensed attorney is guilty of a misdemeanor for each violation and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for a period not exceeding six months, or both.

Under the Revised Uniform Law on Notarial Acts, the State Ethics Commission “may revoke, suspend or impose a condition on a notarial officer for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notarial officer.”

## **ALTERNATIVES**

NMAG suggested an alternative is to continue to prosecute conduct similar to that covered in HB574’s modification of the Unfair Practices Act under the existing Immigration & Nationality Law Practice Act.

FC/hj