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## FISCAL IMPACT REPORT

**SPONSOR** Lara/Gurrola/Silva/Rubio
**LAST UPDATED** 03/18/2025  
**ORIGINAL DATE** 03/03/2025  
**SHORT TITLE** Limit Disruption in Schools
**BILL NUMBER** House Bill 523  
**ANALYST** Chilton

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Schools	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact		

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

Related to House Bill 9, House Bill 316, Senate Bill 87, and Senate Bill 87

### Sources of Information

LFC Files

Agency Analysis Received From  
 New Mexico Attorney General (NMAG)  
 Public Education Department (PED)

Agency Analysis was Solicited but Not Received From  
 Albuquerque Public Schools (APS)

Agency Declined to Respond  
 Administrative Office of the Courts (AOC)  
 Regional Education Cooperatives (RECA)  
 Department of Public Safety (DPS)

## SUMMARY

### Synopsis of House Bill 523

House Bill 523 specifies that federal immigration agents with warrants for persons thought to be within a public school “may request access” from the school superintendent or charter school administrator. That person is to review the request and determine whether access to the school is permitted by law.

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

There is no appropriation in House Bill 523 and no evident fiscal impact.

## SIGNIFICANT ISSUES

Both the New Mexico Attorney General (NMAG) and the Public Education Department (PED) raise questions about the practicality of superintendents or charter school granting or denying access to federal immigration agents. According to NMAG:

The bill presents Supremacy Clause concerns and separation of powers issues. A judicially approved warrant is a court order. The owner of 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 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.

PED indicates that NMAG has recently issued guidance to schools which states:

School administrators wishing to foster a learning environment that limits the fear of immigration enforcement on school grounds can establish policies restricting public access and requiring visitor authorization before entering school grounds. Police officers may access non-public areas of a school if they have the school’s prior consent, a judicial warrant authorizing entry, or a genuine public safety emergency.

Nevertheless, PED states:

Assigning school administrators the responsibility to determine the legality of access requests could lead to conflicts with federal authority and potential criminal liability for obstructing federal law enforcement. Additionally, as a practical matter, school and district administrators likely lack the necessary legal knowledge or training to properly assess judicial warrants, putting them in the difficult position of potentially reviewing matters with which they lack familiarity and making incorrect determinations and facing legal consequences as a result.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Related to House Bill 9, Immigrant Safety Act and Senate Bill 250, State Enforcement of Immigration Law, which establish statutory prohibitions on the use of public resources and agreements by public bodies in New Mexico to detain individuals for federal civil immigration violation.

Conflicts in part with House Bill 316, Interference with Federal Immigration Law, which prohibits state or local cooperation with or interference with federal immigration law enforcement, and Senate Bill 87, Uses of Resources and Federal Immigration Law, which prohibits interference with enforcement of federal immigration law and also prohibits state and local political subdivisions from enacting rules or regulations restricting the use on their personnel or resources to assist federal immigration agents.

LAC/hj/SL2