

1 SENATE BILL 172

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Gerald Ortiz y Pino and Antonio Maestas

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10 AN ACT

11 RELATING TO CORRECTIONS; PROHIBITING THE HOUSING OR DETAINING
12 OF INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS;
13 PROHIBITING AGREEMENTS WITH PRIVATELY OWNED IMMIGRATION
14 DETENTION FACILITIES.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] DETENTION OF INDIVIDUALS FOR
18 FEDERAL CIVIL IMMIGRATION VIOLATIONS.--

19 A. No law enforcement agency, law enforcement
20 official or unit of state or local government may enter into or
21 renew any contract, intergovernmental service agreement or any
22 other agreement to house or detain individuals for federal
23 civil immigration violations.

24 B. Any law enforcement agency, law enforcement
25 official or unit of state or local government with an existing

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1 contract, intergovernmental service agreement or other
2 agreement, whether in whole or in part, that is used to house
3 or detain individuals for federal civil immigration violations
4 shall exercise the termination provision in the contract or
5 agreement as applied to housing or detaining individuals for
6 civil immigration violations no later than January 1, 2024.

7 SECTION 2. [NEW MATERIAL] PROHIBITION ON AGREEMENTS WITH
8 PRIVATELY OWNED IMMIGRATION DETENTION FACILITIES.--

9 A. No law enforcement agency, law enforcement
10 official or unit of state or local government shall:

11 (1) enter into an agreement of any kind for
12 the detention of individuals in an immigration detention
13 facility that is owned, managed or operated, in whole or in
14 part, by a private entity;

15 (2) sell any public or government-owned
16 property or building for the purpose of establishing an
17 immigration detention facility that is or will be owned,
18 managed or operated, in whole or in part, by a private entity;

19 (3) pay, reimburse, subsidize or defray in any
20 way any cost related to the sale, purchase, construction,
21 development, ownership, management or operation of an
22 immigration detention facility that is owned, managed or
23 operated, in whole or in part, by a private entity;

24 (4) receive per diem, per detainee, or any
25 other payment related to the detention of individuals in an

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1 immigration detention facility that is owned, managed or
2 operated, in whole or in part, by a private entity; or

3 (5) otherwise give any financial incentive or
4 benefit to any private entity or person in connection with the
5 sale, purchase, construction, development, ownership,
6 management or operation of an immigration detention facility
7 that is or will be owned, managed or operated, in whole or in
8 part, by a private entity.

9 B. Any law enforcement agency, law enforcement
10 official or unit of state or local government with an existing
11 contract, intergovernmental service agreement or other
12 agreement, whether in whole or in part, that would violate a
13 provision of this section shall exercise the termination
14 provision in the contract or agreement no later than January 1,
15 2024.