

LFC Requester:

Joseph Simon

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) 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: 1/29/25

Check all that apply:

Bill Number: SB36Original Correction Amendment Substitute Sponsor: Sen Sedillo Lopez

Agency Name

and Code HCA-630

Number:

Short Title: Nondisclosure of SensitivePerson Writing Chris FosterPersonal Info ActPhone: 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

The area of Immigration is preempted to Federal Law under both Area and Conflict analysis wherein an area of jurisprudence by practice and by direct disagreement is carved out by the Federal government. Enactment of the measures would expose State employees and officers to Federal prosecution for failure to comply with 18 USC 2721, Ch. 123, (B) 1 and 4 (addressing directly Motor Vehicle Records) as well as 18 USC 1510 and 1511 (Obstruction of Justice, generally.)

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