

LFC Requester:	Felix Chavez
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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: 29 JAN, 2025 *Check all that apply:*
Bill Number: SB0177 Original Correction
 Amendment Substitute

Sponsor: Antoinette Sedillo Lopez **Agency Name and Code** 790 – Department of Public Safety
Short Title: U VISA CERTIFICATION **Number:** _____
Title: ACT **Person Writing** Major Alexander J. Rodriguez
Phone: (575)781-9360 **Email:** Alexander.rodriguez@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Similar to 2023 SB350
 Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Cited as the U Visa Certification Act, the bill is directed at agencies of local, state, and tribal government, including law enforcement and the courts, who assume the status of being the Certifying Agency for purposes of certifying to Homeland Security Department whether an immigrant who is the victim of a crime has been helpful in assisting the government agency in conducting its investigation of the crime.

FISCAL IMPLICATIONS

No Fiscal Impact to DPS.

SIGNIFICANT ISSUES

New Mexico Department of Public Safety supports the U-Visa program; however, this bill allows for several avenues of appeal through entities not specifically involved with a case and monetary awards with no clear ability for a “certifying agency” to address the deciding court prior to a decision being rendered.

PERFORMANCE IMPLICATIONS

This bill provides a legal framework for certifying victims of qualifying criminal activities for U visa eligibility in the state and aligns with several principles and procedural elements of existing U.S. immigration law, particularly the U Visa provision found in 8 U.S.C. §1101(a)(15)(U). That federal law allows certain victims of crime to seek legal status in the U.S. if they cooperate with law enforcement.

The bill recognizes that victims of crime are vulnerable, especially if they are undocumented or face potential deportation. By providing a clear and accessible process for obtaining U visa certification, the bill ensures that these individuals have a way to obtain legal status, which will encourage them to come forward without fear of any immigration consequences.

The bill provides provisions for due process and appeal of a denial of U visa certification, both within agencies and with the district courts after the internal agency process. These processes set forth in this bill align with due process and appeal principles in both the New Mexico Constitution and U.S. Constitution.

SB 177 also states that victims’ requests for U visa certification cannot be denied for reasons like the conclusion of an investigation or an acquittal of the perpetrator. It also protects victims from being penalized for their cooperation with law enforcement in investigation and prosecution of qualifying crimes.

This bill provides protections for victims, which allows them to assist in the investigation and prosecutions of crimes. Victims often do not cooperate because they are penalized for reasons beyond their control, further victimizing them. In many instances, a victim’s inability to cooperate prevents a case from being able to go through the prosecution process, making law enforcement’s efforts seem wasted.

ADMINISTRATIVE IMPLICATIONS

No major implications, though reporting requirements and modifications to the Department of Public Safety website would require minor administrative tasks.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Would require some modifications to the DPS website.

OTHER SUBSTANTIVE ISSUES

Page 9, lines 16 through 21: Although the bill allows the district court to award “...reasonable costs and attorney fees and other equitable relief that the court deems just and proper.”, it does not specify who would be responsible for the payment of those costs, attorney fees, and other equitable relief. Furthermore, there is no guideline as to what may be considered “reasonable”, rather it leaves that decision solely to the determination of the individual judge, whose opinions may vary widely as to “reasonableness”.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None.