

LFC Requester:

Helen Gaussoin

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 1/31/25 *Check all that apply:*
Bill Number: SB0195 Original Correction
 Amendment Substitute

Sponsor: Craig W. Brandt, Joshua A. Sanchez, Gabriel Ramos, David M. Gallegos **Agency Name and Code** Dept. of Workforce Solutions-631
Person Writing Analysis: Sarita Nair **Number:** _____
Short Title: Prohibiting Antisemitic Discrimination **Phone:** 505-263-3187 : **Email** Evan.Sanchez@dws.nm.gov

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
0	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
0	0	0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0			

(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

Senate Bill (SB) 195 is a proposed addition to the Human Rights Acts to prohibit antisemitic discrimination through action or communication.

Synopsis:

SB 195 proposes a section in the Human Rights Act to include prohibitions on antisemitic discriminatory acts or communication. The entities prohibited from this behavior include individuals, employers, public officers, and public sector entities. Individuals who qualify for protection include (1) Jewish people, (2) those perceived to be Jewish, (3) their property, or (4) towards Jewish institutions and religious facilities. Individuals who claim to have received discriminatory action may file a claim for review in accordance with the Human Rights Act.

FISCAL IMPLICATIONS

There are no fiscal implications with this legislation because this legislation merely duplicates existing prohibitions on discrimination.

SIGNIFICANT ISSUES

The New Mexico Human Rights Act already prohibits discrimination based on race, religion, national origin, and ancestry—all of which may cover antisemitic discrimination. This bill does not create a new cause of action. Furthermore, by specifying the prohibition on discriminating against one specific religion/ethnicity, the bill may have the unintended consequence of excluding discrimination against other religions or ethnicities, under the statutory construction principle that the expression of one thing implies the exclusion of others (*expressio unius est exclusio alterius*), see e.g., Fernandez v. Espanola Public Schools, 2005-NMSC-026 P. 6.

We also note that Executive Order 2022-118 (<https://www.governor.state.nm.us/wp-content/uploads/2022/08/Executive-Order-2022-118.pdf>) includes a more sophisticated approach to defining anti-Semitism in the context of state agency actions, and it does not create potential conflicts with the Human Rights Act.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The bill duplicates the protections of the New Mexico Human Rights Act.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

All religions will clearly have equal footing under the New Mexico Human Rights Act.

AMENDMENTS