

LFC Requester:

Scott Sanchez

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 3/6/25 *Check all that apply:*
Bill Number: SB0364 Original Correction
 Amendment Substitute

Sponsor: Cindy Nava, Javier Martinez,
 Craig W. Brandt, Michael
 Padilla, Joseph Cervantes **Agency Name
 and Code** Dept. of Workforce Solutions-631
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 Analysis:** Sarita Nair
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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	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

Synopsis: SB 364 amends the employment eligibility requirements for law enforcement officers statewide. Currently, only U.S. citizens are authorized to be law enforcement officers in New Mexico. This bill would expand eligibility to individuals with work authorization from the U.S. Citizenship and Immigration Service. SB 364 similarly amends a U.S. citizenship requirement for employment as New Mexico state police.

The bill would expand employment eligibility to non-citizens with work authorization in the state. That includes 46,885 lawful permanent residents (LPRs) and 4,500 recipients of DACA (a work authorization and removal protection status for individuals who entered the U.S. as children). LPRs do not have a separate work authorization and are inherently authorized to work by their status, indicated by their LPR identification, often known as a green card. There are additionally an estimated 400 individuals on Temporary Protected Status (a lawful status that allows residency and work authorization for people from select countries).

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

Work authorized non-citizens are responsible for maintaining their status, which could present an additional consideration for hiring agencies. Lawful permanent resident status does not expire, and neither does their work authorization, although LPRs are required to renew their green card every 5 years. They can be eligible for citizenship after 3 or 5 years, depending on their pathway to LPR status.

DACA recipients are required to renew their status every two years. Given the stakes for the holders if they fail to renew their status, including becoming eligible for deportation and removal proceedings, they are unlikely to allow their status to lapse.

Other individuals with immigration statuses that have shorter work authorization renewal periods, such as asylum seekers with 12-month authorizations, would present a bigger challenge for agencies. However, those individuals are frequently recent arrivals in a transitional period, and unlikely to pursue a long-term commitment in a law enforcement academy. Individuals who have successfully received asylum or refugee status in the U.S. are work authorized and would need to maintain their status. However, refugees are required to apply for lawful permanent residence within one year of their entry into the U.S., and asylum recipients are eligible to apply for LPR status after one year in the country.

PERFORMANCE IMPLICATIONS

DWS has engaged in law enforcement recruitment efforts including the ARPA-funded Law

Enforcement Training Program that funded training and equipment for recruits. DWS also houses the Office of New Americans, a private grant-funded office dedicated to all things at the intersection of work and immigration. As such, DWS would be a strong partner in helping local and state law enforcement agencies take advantage of the new recruit pool this bill would afford, using existing resources.

ADMINISTRATIVE IMPLICATIONS

For the first time, the New Mexico Workforce and Innovation Act Statewide Plan for 2024-27 includes public safety as a priority sector. Inclusion in the Plan means that DWS, the four local workforce development boards, higher education/adult education division, and the Division of Vocational Rehabilitation have committed to recruiting in the sector. This bill has the potential to increase the opportunities for working successfully with the eligible population to connect to law enforcement employers. In other sectors, DWS is exploring opportunities for technical language programs such as medical English – this would be another connection that would help realize the potential of the bill.

The recruitment pool this bill opens up is significant. The foreign-born population is a significant portion of New Mexico’s labor force, about one in eight workers in the state. In New Mexico, 75% of the foreign-born population is working age (16-64 years old), compared to 60% of the U.S. born population. That includes 46,885 LPRs and 4,500 recipients of DACA.

There are 154 posted job openings for police and sheriff’s officers, detectives and supervisors in New Mexico. However, that doesn’t capture how many actual openings there are because most departments are not close to hiring to their full budgeted capacity. In addition, many postings are advertising for multiple positions. The Albuquerque Police Department has indicated that its 885 sworn officers are 74% of the budgeted capacity. Nationally, the International Association of Chiefs of Police (IACP) found in a 2024 survey of U.S. police departments that on average agencies reported operating at 91% capacity. There are currently 4,590 patrol officers, 1,090 first-line supervisors and detectives, and 1,810 detectives and criminal investigators in New Mexico. That indicates an estimated total shortfall of officers in those categories of between 749 and 1,947.

Additionally, the IACP survey found that the most common reasons for employees leaving their department were moving to another agency for higher pay or for more career opportunities. Given the limited number of states that currently allow work-authorized non-citizens to be law enforcement officers, these individuals would be less likely to be recruited away to non-New Mexico agencies. Instead, this eligibility expansion could serve as a recruitment tool for qualified candidates from neighboring states. There are 1.5 million LPRs and 110,119 DACA holders in Arizona and Texas who could become recruitment targets for New Mexico law enforcement agencies.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not enacted, law enforcement agencies will continue being unable to recruit from the work authorized non-citizen labor pool.

AMENDMENTS