

1 SENATE BILL 250

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Antonio Maestas and Cindy Nava and Linda M. López  
5 and Angelica Rubio and Yanira Gurrola  
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10 AN ACT

11 RELATING TO FEDERAL USE OF STATE RESOURCES; PROHIBITING STATE  
12 AND LOCAL AGENCIES FROM EXPENDING RESOURCES TO ENFORCE FEDERAL  
13 IMMIGRATION LAWS; MAKING DETAINMENT OF FEDERAL PRISONERS  
14 DISCRETIONARY PURSUANT TO FEDERAL LAW; REPEALING AN OBSOLETE  
15 FEDERAL REFERENCE.  
16

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

18 SECTION 1. [NEW MATERIAL] NON-ENFORCEMENT OF FEDERAL  
19 IMMIGRATION LAWS.--Except as provided in Section 33-3-16 NMSA  
20 1978, neither the state nor a political subdivision of the  
21 state, including a home rule municipality, or their agencies  
22 and instrumentalities shall use or authorize the use of public  
23 funds, personnel, property, equipment or other resources for  
24 the purpose of identifying, detecting, apprehending, arresting,  
25 detaining or prolonging the detention of a person based on a

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1 suspicion or knowledge that the person has entered or is  
2 residing in the United States in violation of federal  
3 immigration laws or for the purpose of assisting agents of the  
4 federal government in any such activity based on such suspicion  
5 or knowledge.

6 SECTION 2. Section 33-3-16 NMSA 1978 (being Laws  
7 1865-1866, Chapter 19, Section 15, as amended) is repealed and  
8 a new Section 33-3-16 NMSA 1978 is enacted to read:

9 "33-3-16. [NEW MATERIAL] UNITED STATES PRISONERS.--

10 A. As used in this section:

11 (1) "jail administrator" means a person hired  
12 by a county, a municipality or a combination of these who  
13 supervises the entire operation of the jail and reports  
14 directly to the administrative head of the local governmental  
15 entity or local governing body; and

16 (2) "sheriff" includes sheriff's deputies.

17 B. A sheriff, a jailer, a jail administrator or an  
18 independent contractor that operates a jail and that receives  
19 custody of a person through a warrant or order issued by a  
20 United States district judge in a criminal proceeding may keep  
21 the person in custody until the person is released under the  
22 laws of the United States. The United States is responsible  
23 for the payment of the jail fee established by the sheriff,  
24 jailer, jail administrator or independent contractor that  
25 operates the jail."

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SECTION 3. REPEAL.--Section 29-1-10 NMSA 1978 (being Laws  
1966, Chapter 24, Section 1) is repealed.