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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SAFETY; PROHIBITING PUBLIC BODIES FROM ENTERING INTO AGREEMENTS TO DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS AND REQUIRING THE TERMINATION OF ANY SUCH EXISTING AGREEMENTS; PROHIBITING PUBLIC BODIES FROM OTHERWISE USING PUBLIC RESOURCES TO FACILITATE DETAINING INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS.

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

SECTION 1. ~~[NEW MATERIAL]~~ PROHIBITING PUBLIC BODIES FROM ENTERING INTO AGREEMENTS TO DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS AND REQUIRING PUBLIC BODIES TO TERMINATE ANY SUCH EXISTING AGREEMENTS.--

A. No public body or entity or individual acting on behalf of or within the scope of the authority of a public body may enter into or renew any contract, intergovernmental service

underscoring material = new
[bracketed material] = delete

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1 agreement, memorandum of understanding or any other agreement
2 to detain individuals for federal civil immigration violations.

3 B. Any public body or entity or individual acting
4 on behalf of or within the scope of the authority of a public
5 body with an existing contract, intergovernmental service
6 agreement, memorandum of understanding or other agreement that
7 is used, whether in whole or in part, to detain individuals for
8 federal civil immigration violations shall exercise the
9 termination provision in the contract, intergovernmental
10 service agreement, memorandum of understanding or other
11 agreement as applied to detaining individuals for federal civil
12 immigration violations no later than May 15, 2024. If any
13 existing contract, intergovernmental service agreement,
14 memorandum of understanding or other agreement does not contain
15 a termination provision that the public body or entity or
16 individual acting on behalf of or within the scope of the
17 authority of a public body can exercise by May 15, 2024, the
18 public body or entity or individual acting on behalf of or
19 within the scope of the authority of the public body shall
20 exercise the termination provision as soon as possible within
21 the terms of the contract, intergovernmental service agreement,
22 memorandum of understanding or other agreement.

23 SECTION 2. [NEW MATERIAL] PROHIBITING PUBLIC BODIES FROM
24 OTHERWISE USING PUBLIC RESOURCES TO FACILITATE DETAINING
25 INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS.--

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underscoring material = new
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1 A. No public body or entity or individual acting on
2 behalf of or within the scope of the authority of a public body
3 may:

4 (1) sell, trade, lease or otherwise dispose of
5 any real or personal property belonging to the public body for
6 the purpose of facilitating the establishment or operation of a
7 facility that detains or will detain individuals for federal
8 civil immigration violations;

9 (2) use any funds or assets belonging to the
10 public body to pay, reimburse, subsidize or defray in any way
11 any cost related to the sale, purchase, construction,
12 development, ownership, management or operation of a facility
13 that detains or will detain individuals for federal civil
14 immigration violations;

15 (3) receive per diem per detainee payments or
16 any other payment related to the detention of individuals for
17 federal civil immigration violations;

18 (4) otherwise give any financial incentive or
19 benefit for the purpose of facilitating the establishment or
20 operation of a facility that detains or will detain individuals
21 for federal civil immigration violations; or

22 (5) impose or continue in effect any law,
23 ordinance, policy or regulation that violates or conflicts with
24 the provisions of this 2024 act.

25 B. A public body or entity or individual acting on

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underscoring material = new
~~[bracketed material] = delete~~

1 behalf of or within the scope of the authority of a public body
2 may receive and disburse any payments related to a contract,
3 intergovernmental service agreement, memorandum of
4 understanding or other agreement described in Section 1 of this
5 2024 act for the time period between exercising the termination
6 provision and the date that termination becomes effective.

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