

SB196



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Bill Analysis 2019 Regular Session

SPONSOR: Sen. Richard Martinez, Sen. Linda Lopez

SHORT TITLE: No Resources for Federal Immigration Law

SYNOPSIS OF BILL: Prohibits state and local government agencies from using any resources to enforce federal immigration law. Allows counties to continue to perform their obligations under existing contracts to house immigrant detainees, but prohibits future contracts of this kind. Ensures that only people with criminal warrants are being detained for federal immigration purposes in local jails.

STRENGTHS: There are many problems that arise when state and local governments take on the task of enforcing federal immigration laws. Such practices encourage racial profiling against Hispanics, Asian-Americans and others because government employees, including police officers, will often assume these individuals are undocumented based on having an accent or how they look. State and local agencies that divert limited local resources to helping enforce federal immigration laws jeopardize public safety, prevent victims and witnesses from coming forward, and erode trust with the immigrant community. It's worth noting that immigrants tend to commit crimes at a much lower rate than native-born citizens of the United States (see "Why are Immigrants' Incarceration Rates so Low?" Kristin F. Butcher and Anne Morrison Piehl, National Bureau of Economic Research, July 2007). Finally, law enforcement agencies are already underfunded. Passing SB196 would help ensure that state and local agencies focus their energies on addressing serious crimes rather than on identifying and apprehending undocumented families who typically pose no threat to anyone.

ADDITIONAL INFO: A 2016 study published by the University of Chicago Press ("Policing Immigrants: Local Law Enforcement on the Front Lines") interviewed 750 police chiefs and sheriffs from across the country. It found that most state and local law enforcement leaders see the enforcement of federal immigration laws by their officers as problematic. A majority of the chiefs and sheriffs who were interviewed emphasized the importance of gaining trust in immigrant communities. They noted that involving local law enforcement in federal immigration law enforcement damages that trust. A forthcoming study from the University of California Press ("Legal Passing: Navigating Undocumented Life and Local Immigration Law") found that while undocumented immigrants in sanctuary cities are generally willing to interact with police, those living in cities that partner with Immigration and Customs Enforcement are reluctant to do so. This study documented one particularly striking incident in which an undocumented immigrant tried to disrupt a carjacking by yelling at the perpetrator, but then ran off when the victim called the police because he was afraid that if he gave a statement as a witness he would be deported.

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
<p>This bill will ensure that all New Mexicans have the same access to police, fire and other public safety services without fear of being turned over to immigration authorities and separated from their families.</p>	<p>An underlying premise of this proposal incorporates a rejection of popular, politicized, inaccurate views connecting undocumented immigrants and high rates of crime.</p>	<p>State and local government agencies should not be diverting their scarce resources to aid federal agencies in the enforcement of federal immigration law.</p>	<p>Most state and local government leaders believe that enforcement of federal immigration law by their officers is problematic because it discourages undocumented immigrants from reporting crimes to police.</p>	<p>A</p>