

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 151

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Timothy M. Keller and Antonio "Moe" Maestas

AN ACT

RELATING TO HUMAN RIGHTS; ENACTING THE ESSENTIAL SERVICES
ACCESS ACT; REQUIRING ALL STATE AND LOCAL AGENCIES TO PROVIDE
DISASTER AND EMERGENCY SERVICES; LIMITING THE REQUEST FOR
INFORMATION OR DOCUMENTATION FROM VICTIMS OR EVACUEES ONLY TO
DETERMINE THEIR ELIGIBILITY FOR SERVICES UNDER STATE OR FEDERAL
LAW; PROHIBITING INQUIRING INTO IMMIGRATION STATUS IN CERTAIN
LOCATIONS PROVIDING ESSENTIAL SERVICES; DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"Essential Services Access Act".

**SECTION 2. STANDARDIZED DISASTER RELIEF MANAGEMENT
SYSTEM.**--

A. The secretary of homeland security and emergency
management shall develop a standardized management system for

.183596.1

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

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

1 state and local agencies to provide emergency and disaster
2 relief services. The standardized management system shall
3 ensure that victims and evacuees receive the necessary
4 disaster-related services and emergency assistance and only
5 impose on a victim or evacuee the burden of presenting
6 information or documentation to determine eligibility for
7 services under state or federal law.

8 B. State and local agencies shall assist and
9 cooperate with the secretary of homeland security and emergency
10 management and disaster relief agencies to render all possible
11 assistance and provide disaster-related services during a
12 disaster.

13 C. During a disaster, state and local agencies
14 shall render all possible assistance to victims and evacuees to
15 alleviate suffering and meet the basic needs of affected
16 victims and evacuees and only elicit information or
17 documentation from a victim or evacuee to determine eligibility
18 for services under state and federal laws.

19 SECTION 3. ACCESS TO EMERGENCY SERVICES--FIRST RESPONDERS
20 LIMITED INQUIRY.--

21 A. State and local agencies providing emergency
22 services shall provide all possible assistance and services and
23 only elicit information or documentation from a victim or
24 evacuee to determine eligibility for services under state and
25 federal laws.

.183596.1

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

B. A law enforcement officer, emergency medical technician or firefighter responding to an emergency or a call for assistance shall render aid and assistance without inquiring into the immigration status of a person at the scene.

SECTION 4. LIMITED INQUIRY IN DESIGNATED LOCATIONS.--A

law enforcement officer shall not inquire into the immigration status of a person located within three hundred yards of a school or institution of higher learning, hospital or medical center or place of worship.

SECTION 5. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect immediately.