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SENATE BILL 306

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO LAW ENFORCEMENT; AUTHORIZING A SCHOOL DISTRICT TO ESTABLISH A POLICE FORCE WITH JURISDICTION WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT; REQUIRING SPECIALIZED TRAINING.

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

SECTION 1. A new section of Chapter 29 NMSA 1978 is enacted to read:

"[NEW MATERIAL] LOCAL SCHOOL BOARD AUTHORIZED TO ESTABLISH POLICE FORCE--QUALIFICATIONS AND AUTHORITY--JURISDICTION--REPORT TO LEGISLATURE.--

A. A local school board may establish a police force and adopt policies and rules applicable to the police force, including:

- (1) defining acts that pose a substantial

1 threat to school safety justifying arrest;

2 (2) defining petty acts of misconduct that
3 should be treated as disciplinary infractions;

4 (3) when to report petty acts of misconduct
5 and misdemeanors to other law enforcement agencies, including:

6 (a) disorderly conduct;

7 (b) interference with the educational
8 process;

9 (c) simple assault or battery;

10 (d) theft of less than two hundred fifty
11 dollars (\$250);

12 (e) trespassing; and

13 (f) vandalism of property that results
14 in less than five hundred dollars (\$500) in damages; and

15 (4) requiring that disciplinary interactions
16 between students and school police be based on the individual
17 student and the particular circumstances of the student's acts
18 or omissions.

19 B. Each year a school district shall submit a
20 report to the public education department that includes:

21 (1) the number of arrests, citations and
22 referrals to the children, youth and families department that
23 law enforcement officers and other school employees have made
24 for any alleged delinquent act on school property;

25 (2) the offenses for which students were

1 arrested, cited or referred to the children, youth and families
2 department for an alleged delinquent act on school property;
3 and

4 (3) for students arrested, cited or referred
5 to the children, youth and families department for an alleged
6 delinquent act, statistics categorized by offense regarding the
7 student's:

- 8 (a) age;
- 9 (b) race;
- 10 (c) gender; and
- 11 (d) if applicable, special education
12 eligibility category.

13 C. The superintendent of a school district,
14 pursuant to authority granted by the local school board, may
15 employ and assign duties to police officers for the school
16 district.

17 D. Police officers employed by a school district:

- 18 (1) shall be New Mexico certified law
19 enforcement officers;
- 20 (2) shall have the powers of peace officers
21 within the exterior boundaries of the school district;
- 22 (3) shall at all times while on duty carry
23 commissions of office issued by the local school board;
- 24 (4) shall be required to participate in
25 ongoing, specialized training that focuses on working

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1 appropriately and effectively with children and adolescents,
2 including students with disabilities, with such training to be
3 provided by the school district at no cost to the officers;

4 (5) may enforce all applicable laws on school
5 district property;

6 (6) may enforce all applicable laws within the
7 exterior boundaries of the school district as commissioned by
8 the sheriff of the county in which the school district is
9 located; and

10 (7) may make arrests for violations of law,
11 but no arrest is valid unless the arresting police officer is,
12 at the time of the arrest, wearing a distinctive:

13 (a) badge issued by the local school
14 board and bearing the name of the school district; and

15 (b) uniform prescribed and issued by the
16 local school board.

17 E. A school district that establishes a police
18 force shall report to the appropriate interim legislative
19 committee on the operations of the police force, including
20 policies, procedures, practices, training programs, discipline
21 of students, school safety and oversight by the local school
22 board and superintendent. The school district shall provide a
23 full report within one year of establishing the police force
24 and, thereafter, upon request of the committee chair.

25 F. As used in this section, "local school board"

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1 means the policy-setting body of a public school district."

2 SECTION 2. DELAYED REPEAL.--Section 1 of this act is
3 repealed effective July 1, 2017.

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2013.

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