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SENATE BILL 264

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

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

SECTION 2. DELAYED REPEAL.--Section 1 of this act is repealed effective July 1, 2019.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.