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HOUSE BILL 381

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING THE NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD TO KEEP RECORDS OF DISCIPLINARY ACTIONS AGAINST LAW ENFORCEMENT OFFICERS; REQUIRING A LAW ENFORCEMENT AGENCY HIRING A PERSON WHO PREVIOUSLY WORKED FOR AN OUT-OF-STATE LAW ENFORCEMENT AGENCY TO REVIEW THE PERSONNEL FILE AND DISCIPLINARY RECORD OF THE POLICE OFFICER THAT IS MAINTAINED BY THE NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.

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

SECTION 1. A new section of the Law Enforcement Training Act is enacted to read:

"[NEW MATERIAL] RECORDS OF DISCIPLINARY ACTIONS-- REQUIREMENT TO REVIEW.--

A. All law enforcement agencies in the state shall submit copies of any disciplinary action or caution against a

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1 law enforcement officer employed by the agency to the board.

2 B. When a law enforcement agency seeks to hire as a
3 police officer a person who was previously employed by a
4 different law enforcement agency, the hiring agency must
5 request a copy of all disciplinary records held by the board
6 for that officer.

7 C. The records provided by the board and any
8 related information shall be privileged and shall not be
9 disclosed to a person not directly involved in the employment
10 decision affecting the police officer.

11 D. The board shall develop regulations to
12 administer the reporting of disciplinary actions or cautions to
13 the board and the transmittal of records to a requesting law
14 enforcement agency. The board may develop a standard form to
15 be used by law enforcement agencies to report disciplinary
16 actions or cautions against police officers.

17 E. Neither the board nor a law enforcement agency
18 shall be held liable for civil damages as a result of reporting
19 or requesting the contents of a police officer's disciplinary
20 record."

21 SECTION 2. Section 29-7-4 NMSA 1978 (being Laws 1969,
22 Chapter 264, Section 6, as amended) is amended to read:

23 "29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

24 A. approve or disapprove the appointment of the
25 director by the secretary;

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- 1 B. develop and implement a planned program of:
- 2 (1) basic law enforcement training and
- 3 in-service law enforcement training, a portion of which may be
- 4 conducted on a regional basis; and
- 5 (2) basic telecommunicator training and
- 6 in-service telecommunicator training, as provided in the Public
- 7 Safety Telecommunicator Training Act, a portion of which may be
- 8 conducted on a regional basis;
- 9 C. prescribe qualifications for instructors and
- 10 prescribe courses of instruction for:
- 11 (1) basic law enforcement training and
- 12 in-service law enforcement training; and
- 13 (2) basic telecommunicator training and
- 14 in-service telecommunicator training, as provided in the Public
- 15 Safety Telecommunicator Training Act;
- 16 D. report annually to the governor;
- 17 E. in its discretion, accept donations,
- 18 contributions, grants or gifts from whatever source for the
- 19 benefit of the academy, which donations, contributions, grants
- 20 or gifts are appropriated for the use of the academy;
- 21 F. adopt, publish and file, in accordance with the
- 22 provisions of the State Rules Act, all regulations and rules
- 23 concerning the operation of the academy and the implementation
- 24 and enforcement of the provisions of the Law Enforcement
- 25 Training Act and the Public Safety Telecommunicator Training

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1 Act;

2 G. compile a database or another readily accessible
3 retrieval system for the personnel files and disciplinary
4 records of out-of-state applicants for police officer positions
5 in New Mexico;

6 [~~G.~~] H. issue, grant, deny, renew, suspend or
7 revoke a:

8 (1) peace officer's certification for any
9 cause set forth in the provisions of the Law Enforcement
10 Training Act; and

11 (2) telecommunicator's certification for any
12 just cause set forth in the Public Safety Telecommunicator
13 Training Act;

14 [~~H.~~] I. administer oaths, subpoena persons and take
15 testimony on any matter within the board's jurisdiction; and

16 [~~I.~~] J. perform all other acts appropriate to the
17 development and operation of the academy."

18 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
19 provisions of this act is July 1, 2015.

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