

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

HOUSE BILL 589

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

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR A DISTRIBUTION FROM  
THE LAW ENFORCEMENT PROTECTION FUND TO CERTIFIED REGIONAL LAW  
ENFORCEMENT TRAINING FACILITIES AND THE NEW MEXICO LAW  
ENFORCEMENT ACADEMY FOR TRAINING.

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

**SECTION 1.** Section 29-13-2.1 NMSA 1978 (being Laws 1993,  
Chapter 179, Section 4, as amended) is amended to read:

"29-13-2.1. DEFINITIONS.--As used in the Law Enforcement  
Protection Fund Act:

A. "academy" means the New Mexico law enforcement  
academy;

~~[A.]~~ B. "division" means the local government  
division of the department of finance and administration;

~~[B.]~~ C. "fund" means the law enforcement protection

.199595.1

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

underscored material = new  
[bracketed material] = delete

1 fund;

2 [G-] D. "governmental entity" means a municipality,  
3 university, tribe or a county;

4 E. "regional facility" means a certified regional  
5 law enforcement training facility within the state certified by  
6 the director of the academy pursuant to the Law Enforcement  
7 Training Act;

8 [D-] F. "tribal police department" means the police  
9 department of a tribe that has entered into an agreement with  
10 the department of public safety pursuant to Section 29-1-11  
11 NMSA 1978;

12 [E-] G. "tribe" means an Indian nation, tribe or  
13 pueblo located wholly or partly in New Mexico; and

14 [F-] H. "university" means a four-year post-  
15 secondary educational institution listed in Article 12, Section  
16 11 of the constitution of New Mexico."

17 **SECTION 2.** Section 29-13-4 NMSA 1978 (being Laws 1993,  
18 Chapter 179, Section 6, as amended by Laws 2002, Chapter 78,  
19 Section 5 and by Laws 2002, Chapter 92, Section 3) is amended  
20 to read:

21 "29-13-4. DETERMINATION OF NEEDS AND RATE OF  
22 DISTRIBUTION.--

23 A. Annually on or before April 15, the division  
24 shall consider and determine the relative needs as requested by  
25 tribal, municipal and university police [~~and~~], county sheriff's  
.199595.1

underscoring material = new  
[bracketed material] = delete

1 departments and regional facilities for money in the fund  
2 pursuant to the provisions of Subsection C of this section.

3 B. As necessary during the year, the division shall  
4 transfer an amount from the [~~law enforcement protection~~] fund  
5 to the peace officers' survivors fund that enables the balance  
6 of the peace officers' survivors fund to be maintained at a  
7 minimum balance of three hundred fifty thousand dollars  
8 (\$350,000).

9 C. The division shall determine the rate of  
10 distribution of money remaining in the fund to each tribal,  
11 municipal and university police and county sheriff's department  
12 as follows:

13 (1) all municipal police and county sheriff's  
14 departments shall be rated by class pursuant to this paragraph  
15 in accordance with populations established by the most recently  
16 completed decennial census; provided that the population of any  
17 county shall not include the population of any municipality  
18 within that county that has a municipal police department. The  
19 rate of distribution to which a municipal police or county  
20 sheriff's department is entitled is the following:

21	CLASS	POPULATION	AMOUNT
22	1	0 to 20,000	\$20,000
23	2	20,001 to 160,000	30,000
24	3	160,001 to 1,280,000	40,000;

25 (2) university police departments shall be

underscored material = new  
[bracketed material] = delete

1 entitled to a rate of distribution of seventeen thousand  
2 dollars (\$17,000);

3 (3) the academy and each regional facility  
4 shall be entitled to a rate of distribution of fifty thousand  
5 dollars (\$50,000);

6 [~~3~~] (4) tribal police departments shall be  
7 entitled, unless allocations are adjusted pursuant to the  
8 provisions of Subsection [~~E~~] D of this section, to six hundred  
9 dollars (\$600) for each commissioned peace officer in the  
10 tribe. To be counted as a commissioned peace officer for the  
11 purposes of this paragraph, a commissioned peace officer shall  
12 have been assigned to duty and have worked in New Mexico for no  
13 fewer than two hundred days in the calendar year immediately  
14 prior to the date of payment. Payments shall be made for only  
15 those divisions of the tribal police departments that perform  
16 services in New Mexico. [~~No~~] A tribal police department shall  
17 not be eligible for any disbursement under the fund if  
18 commissioned peace officers cite non-Indians into the tribal  
19 court for civil or criminal citations; and

20 [~~4~~] (5) municipal and university police and  
21 county sheriff's departments shall be entitled, unless  
22 allocations are adjusted pursuant to the provisions of  
23 Subsection D of this section, to six hundred dollars (\$600) for  
24 each police officer or sheriff's deputy employed full time by  
25 [~~his~~] a department who has been certified by the [~~New Mexico~~

.199595.1

underscored material = new  
[bracketed material] = delete

1 ~~law enforcement~~] academy as a police officer or has been  
2 authorized to act as a New Mexico peace officer pursuant to the  
3 provisions of Section 29-1-11 NMSA 1978.

4 D. After distributions are determined in accordance  
5 with Subsection A, Subsection B and Paragraphs (1), [~~and~~] (2)  
6 and (3) of Subsection C of this section, if the balance in the  
7 fund is insufficient to permit the total allocations provided  
8 by Paragraphs [~~(3)~~] (4) and [~~(4)~~] (5) of Subsection C of this  
9 section, the division shall reduce that allocation to the  
10 maximum amount permitted by available money."

11 SECTION 3. Section 29-13-5 NMSA 1978 (being Laws 1983,  
12 Chapter 289, Section 5, as amended) is amended to read:

13 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than  
14 May 1 of each year, the division shall notify in writing each  
15 affected municipal police, university police, tribal police  
16 [~~and~~], county sheriff's department, regional facility and the  
17 academy of its determination of money to be distributed  
18 pursuant to the provisions of Section 29-13-4 NMSA 1978. Any  
19 affected department, regional facility or the academy may  
20 appeal that determination by filing a notice of appeal with the  
21 secretary of finance and administration no later than May 15.  
22 If an appeal is filed, the secretary of finance and  
23 administration shall review the determination of the division  
24 in an informal and summary proceeding and shall certify the  
25 result of the appeal to the division no later than June 30, and

.199595.1

underscored material = new  
[bracketed material] = delete

1 the division shall adjust its determination accordingly. If no  
2 appeal is filed, the original determination of the division  
3 shall be final and binding and not subject to further review."

4 SECTION 4. Section 29-13-7 NMSA 1978 (being Laws 1983,  
5 Chapter 289, Section 7, as amended) is amended to read:

6 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

7 A. Except as provided for regional facilities and  
8 the academy in Subsection B of this section, amounts  
9 distributed from the fund shall be expended only for the  
10 following:

11 (1) the repair and purchase of law enforcement  
12 apparatus and equipment, including the financing and  
13 refinancing thereof, that meet minimum nationally recognized  
14 standards;

15 (2) the purchase of law enforcement equipment,  
16 including protective vests, for police dogs;

17 (3) expenses associated with advanced law  
18 enforcement planning and training;

19 (4) maintaining the balance of the peace  
20 officers' survivors fund at a minimum amount of three hundred  
21 fifty thousand dollars (\$350,000);

22 (5) complying with match or contribution  
23 requirements for the receipt of federal funds relating to  
24 criminal justice programs; and

25 (6) no more than fifty percent of the

.199595.1

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

1 replacement salaries of municipal and county law enforcement  
2 personnel of municipalities or counties rated as Class 1 in  
3 Paragraph (1) of Subsection B of Section 29-13-4 NMSA 1978  
4 participating in basic law enforcement training.

5 B. For regional facilities and the academy, amounts  
6 distributed from the fund shall be expended only for providing  
7 basic, advanced or in-service law enforcement training and for  
8 the purchase of equipment directly related to that training.

9 ~~[B-]~~ C. Amounts distributed from the fund shall be  
10 expended only pursuant to approved budgets and upon duly  
11 executed vouchers approved as required by law."