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## FISCAL IMPACT REPORT

SPONSOR Padilla ORIGINAL DATE 1/13/17  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE County Sheriff Qualifications SB 22  
ANALYST Sánchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>			None			

(Parenthesis ( ) Indicate Expenditure Decreases)

Companion to SJR4

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 22 proposes to add qualifications for elected or appointed County sheriffs. The qualifications include

- At least five years of professional law enforcement experience;
- Be a resident of the state of one year and of the county for which the person seeks office;
- Must hold a certificate attesting to completion of a basic law enforcement training program; and
- Not have been recalled from public office.

It allows for a voter to challenge a candidate for elected or appointed office if the individual does not meet the qualifications by filing a petition in district court within ten days of declaring candidacy.

The bill also requires the Secretary of State to certify that Article 7, Section 2 of the New Mexico constitution has been amended as proposed by Senate Joint Resolution 4.

**FISCAL IMPLICATIONS**

Fiscal implications are found for the companion, SJR 4, but there are none for this bill.

**SIGNIFICANT ISSUES**

The Attorney General's Office (AGO) points out that a change to the New Mexico constitution may not be necessary because Article VII, Section 2(B) of the NM constitution provides for the legislature to set qualifications and standards for holding an appointed office.

Section 4-44-16 NMSA 1978, provides for the duties of officers in Class H counties. The AGO states that the bill does not mention the duties in Class H counties.

The SOS opines that currently, all other candidates declaring candidacy to qualify to appear on a county ballot are required to be registered in the county for which they are declaring candidacy by the date of the governor's election proclamation. The requirement in this proposed legislation for the sheriff to live in the county for which the person is seeking to be elected sheriff for one year is more stringent than other county official requirements in regards to residency.

ABS/al/sb