

1 SENATE BILL 102

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Michael Padilla and Patricio Ruiloba

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10 AN ACT

11 RELATING TO COUNTIES; PROVIDING FOR QUALIFICATIONS TO SERVE AS  
12 SHERIFF; CONFORMING SECTION 29-7-6.1 NMSA 1978 (BEING LAWS  
13 1993, CHAPTER 255, SECTION 7, AS AMENDED) TO THESE  
14 QUALIFICATIONS.

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

17 SECTION 1. A new section of Chapter 4, Article 41 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] SHERIFF--QUALIFICATIONS.--

20 A. In addition to other requirements imposed by  
21 law, in order to be elected or appointed as a sheriff, a person  
22 shall meet the following qualifications:

23 (1) have at least five years of professional  
24 law enforcement experience that may include military law  
25 enforcement experience;

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1 (2) be a resident of the state for one year  
2 and a resident of the county for which the person is seeking to  
3 be elected or appointed sheriff;

4 (3) hold a certificate attesting to completion  
5 of a basic law enforcement training program pursuant to Section  
6 29-7-6.1 NMSA 1978; and

7 (4) not have been recalled from public office.

8 B. If a sheriff does not maintain a residence in  
9 the county in which the sheriff was elected or appointed, the  
10 sheriff shall be deemed to have resigned.

11 C. A voter may challenge the candidacy for election  
12 to the office of sheriff of any person seeking nomination on  
13 the grounds that the person seeking nomination does not meet  
14 the qualification requirements of Subsection A of this section.  
15 The challenge shall be made by filing a petition in the  
16 district court within ten days after the day for filing a  
17 declaration of candidacy, which petition shall be heard in the  
18 same manner as provided in Subsection F of Section 1-8-26 NMSA  
19 1978."

20 SECTION 2. Section 29-7-6.1 NMSA 1978 (being Laws 1993,  
21 Chapter 255, Section 7, as amended) is amended to read:

22 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

23 A. Every county sheriff elected or appointed to  
24 office prior to July 1, 2018, except sheriffs who have  
25 previously been awarded a certificate attesting to completion

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1 of a basic law enforcement training program, shall participate  
2 in and complete an administrative law enforcement training  
3 program no later than twelve months after the date the sheriff  
4 assumes office as a county sheriff. Beginning on July 1, 2018,  
5 no person may be elected or appointed to the office of sheriff  
6 without having a certificate attesting to completion of a basic  
7 law enforcement training program.

8 B. The director shall establish the administrative  
9 law enforcement training program for county sheriffs, subject  
10 to review and approval by the executive committee of the  
11 sheriff's affiliate of the New Mexico association of counties.

12 C. A county sheriff's per diem, mileage and tuition  
13 expenses attributed to attendance at the administrative law  
14 enforcement training shall be paid for by the governing body of  
15 the county served by that sheriff."

16 SECTION 3. CONTINGENT EFFECTIVE DATE.--The provisions of  
17 this act shall become effective upon certification by the  
18 secretary of state that the constitution of New Mexico has been  
19 amended as proposed by a joint resolution of the second session  
20 of the fifty-third legislature, entitled "A JOINT RESOLUTION  
21 PROPOSING TO AMEND ARTICLE 10 OF THE CONSTITUTION OF NEW MEXICO  
22 BY ADDING A NEW SECTION TO PROVIDE FOR QUALIFICATIONS FOR  
23 COUNTY SHERIFFS AS PROVIDED BY LAW EXCEPT FOR COUNTIES  
24 INCORPORATED PURSUANT TO ARTICLE 10, SECTION 5 OF THE  
25 CONSTITUTION OF NEW MEXICO."

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