

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 129

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO SCHOOL SAFETY; REQUIRING TRAINING FOR ARMED PUBLIC SCHOOL SECURITY PERSONNEL; PROHIBITING CERTAIN PERSONS FROM EMPLOYMENT AS ARMED PUBLIC SCHOOL PERSONNEL SJC→~~OR SCHOOL SECURITY GUARDS~~←SJC; PROVIDING THAT ONLY A LOCAL SCHOOL BOARD OR A GOVERNING BODY OF A CHARTER SCHOOL MAY AUTHORIZE SCHOOL SECURITY PERSONNEL TO CARRY A FIREARM ON SCHOOL PREMISES.

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

SECTION 1. A new section of Chapter 22, Article 5 NMSA 1978 is enacted to read:

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"[NEW MATERIAL] LOCAL SCHOOL BOARD AUTHORITY OVER WHO MAY CARRY A FIREARM ON SCHOOL PREMISES.--Only a local school board has the authority to authorize school security personnel to carry a firearm on any public school premises or other school district property. The decision shall be made in an open meeting and shall be formalized as a policy of the board."

SECTION 2. A new section of the Charter Schools Act is enacted to read:

"[NEW MATERIAL] GOVERNING BODY AUTHORITY OVER WHO MAY CARRY A FIREARM ON CHARTER SCHOOL PROPERTY.--Only the governing body has the authority to authorize school security personnel to carry a firearm on any charter school premises or other charter school property. The decision shall be made in an open meeting and shall be formalized as a policy of the governing body."

~~Sf1→SJC→SECTION 3. A new section of the Public School Code is enacted to read:~~

~~"[NEW MATERIAL] ARMED SCHOOL SECURITY PERSONNEL--~~

~~DEFINITIONS--REQUIRED TRAINING.--~~

~~A. As used in this section:~~

~~(1) "armed school security personnel" means a person employed by a school district who has a firearm license and is authorized by a local school board to carry a firearm on school premises;~~

~~(2) "firearm" means a handgun approved by the~~

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~~public school insurance authority;~~

~~(3) "local school board" includes governing bodies of charter schools;~~

~~(4) "school district" includes charter schools;~~

~~(5) "school premises" means:~~

~~(a) the buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under contract, in or on which school or school-related activities are being conducted under the supervision of the local school board; or~~

~~(b) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed; and~~

~~(6) "school security guard" means a person employed by a school district for school security purposes and who is not allowed to carry a gun on school premises.~~

~~B. The department shall promulgate rules pertaining to persons who are prohibited from employment as armed school security personnel, including:~~

~~(1) the applicability of Paragraph (1) or (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal offenders;~~

~~(2) the commitment of a felony; a misdemeanor involving moral turpitude that has bearing on the job of armed school security personnel or school security guard; or~~

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~~misconduct or crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual exploitation of children; and~~

~~(3) negligent or illegal use of a firearm.~~

~~C. Prior to an offer of employment, the school district shall require for each potential armed school security personnel:~~

~~(1) proof that the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;~~

~~(2) successful completion of school security personnel training, including up-to-date firearms training and a current license to carry a firearm;~~

~~(3) a background check that indicates the person has not been convicted of a crime or engaged in behavior that violates the School Personnel Act as ethical misconduct;~~

~~(4) any other conditions required by law, department rule or school district policy; and~~

~~(5) the holding of no other job title or job duties in the school district.~~

~~D. Prior to armed school security personnel being allowed to carry firearms authorized by local school board~~

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~~policy, the armed school security personnel must successfully pass a physical and psychological evaluation as prescribed by the department to determine suitability to carry a firearm. The school district shall pay the cost of the physical and psychological evaluations for current and potential armed school security personnel.~~

~~E. The department shall approve one or more nationally recognized armed school security personnel training programs that must include cultural competency and prohibited profiling practices."~~←SJC

Sf1→SJC→SECTION 3. A new section of the Public School Code is enacted to read:

~~"[NEW MATERIAL] SCHOOL SECURITY PERSONNEL--DEFINITIONS--REQUIRED TRAINING.--"~~

~~A. As used in this section:~~

~~(1) "firearm" means a handgun recommended by the department of public safety and authorized by the public school insurance authority;~~

~~(2) "local school board" includes governing bodies of charter schools;~~

~~(3) "school district" includes charter schools;~~

~~(4) "school premises" means:~~

~~(a) the buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under contract, in or on which school or school-related activities are being conducted under the supervision of the~~

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~~local school board; or~~

~~(b) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed; and~~

~~(5) "school security personnel" means retired or former certified and commissioned law enforcement officers who are employed by a school district and authorized by department rules and local school board policy to carry a firearm on school premises.~~

~~B. The department shall promulgate rules to carry out the purposes of this section.~~

~~C. The department shall promulgate rules pertaining to persons who are prohibited from employment as school security personnel, including:~~

~~(1) the applicability of Paragraph (1) or (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal offenders;~~

~~(2) the commitment of a felony; a misdemeanor involving moral turpitude that has bearing on the job of school security personnel; or misconduct or crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual~~

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~~exploitation of children; and~~

~~(3) negligent or illegal use of a firearm.~~

~~D. Prior to an offer of employment, the school district shall require for each potential school security personnel:~~

~~(1) proof that the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;~~

~~(2) successful completion of school security personnel training;~~

~~(3) proof of up-to-date firearms training;~~

~~(4) a background check that indicates the person has~~

~~not been convicted of a crime or engaged in behavior that violates the School Personnel Act; and~~

~~(5) any other conditions required by law, department rule or school district policy.~~

~~E. School security personnel shall not perform any other job in the school district, by title or duty, other than school security while carrying a firearm.~~

~~F. Prior to school security personnel being allowed to carry firearms authorized by department rules and local school board policy, the school security personnel must successfully pass a physical and psychological evaluation as prescribed by the department in consultation with the public school insurance authority to determine suitability to carry a firearm. The school district shall pay the cost of the physical and psychological evaluations for current and~~

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~~potential school security personnel.~~

~~G. The department and the public school insurance authority shall approve one or more school security personnel and firearms training programs. Approved programs must include working with students with special needs, cultural competency and prohibited profiling practices. The department of public safety shall make recommendations for firearms training."~~ ←SJC←Sf1

Sf1→SECTION 3. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SCHOOL SECURITY PERSONNEL--DEFINITIONS--REQUIRED TRAINING.--

A. As used in this section:

(1) "firearm" means a handgun recommended by the department of public safety and authorized by the public school insurance authority;

(2) "local school board" includes governing bodies of charter schools;

(3) "school district" includes charter schools;

(4) "school premises" means:

(a) the buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under contract, in or on which school or school-related

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activities are being conducted under the supervision of the local school board; or

(b) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed; and

(5) "school security personnel" means retired or former certified and commissioned law enforcement officers who are employed by a school district and authorized by department rules and local school board policy to carry a firearm on school premises.

B. The department shall promulgate rules to carry out the purposes of this section.

C. The department shall promulgate rules pertaining to persons who are prohibited from employment as school security personnel, including:

(1) the applicability of Paragraph (1) or (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal offenders;

(2) the commitment of a felony; a misdemeanor involving moral turpitude that has bearing on the job of school security personnel; formal discipline for the use of excessive force; or misconduct or crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual exploitation of children; and

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(3) negligent or illegal use of a firearm.

D. Prior to an offer of employment, the school district shall require for each potential school security personnel:

(1) proof that the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;

(2) successful completion of school security personnel training;

(3) proof of up-to-date firearms training;

(4) a background check that indicates the person has

not been convicted of a crime or engaged in behavior that violates the School Personnel Act; and

(5) any other conditions required by law, department rule or school district policy.

E. School security personnel shall not perform any other job in the school district, by title or duty, other than school security while carrying a firearm.

F. Prior to school security personnel being allowed to carry firearms authorized by department rules and local school board policy, the school security personnel must successfully pass a physical and psychological evaluation as prescribed by the department in consultation with the public school insurance authority to determine suitability to carry a

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firearm. The school district shall pay the cost of the physical and psychological evaluations for current and potential school security personnel.

G. The department and the public school insurance authority shall approve one or more school security personnel and firearms training programs. Approved programs must include working with students with special needs, cultural competency and prohibited profiling practices. The department of public safety shall make recommendations for firearms training."←Sfl

SECTION 4. [NEW MATERIAL] CONSTRUCTION.--Nothing in this 2019 act shall be construed as:

A. allowing an armed school security personnel to carry SJC→~~a firearm~~←SJC SJC→firearms←SJC on school premises if doing so would be a violation of state or federal law; or

B. applying to school resource officers.

SJC→SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.←SJC

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