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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/19

SPONSOR Rehm **LAST UPDATED** _____ **HB** 106

SHORT TITLE Law Enforcement In-Service Training **SB** _____

ANALYST Edwards

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	Minimal, See Fiscal Implications	Minimal, See Fiscal Implications	Minimal, See Fiscal Implications	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 106 proposes to remove the following in-service training requirements for certified police officers:

1. 29-7-4.1 NMSA 1978 – Domestic Abuse Incident Training (required yearly)
2. 29-7-4.2 NMSA 1978 - Child Abuse Incident Training (required yearly)
3. 29-7-7.3 NMSA 1978 – Ensuring Child Safety Upon Parental Arrest Training (required yearly)
4. 29-7-7.4 NMSA 1978 – Missing Person and Amber Alert Training (required yearly)
5. 29-7-7.5 NMSA 1978 – Interaction with Persons with Mental Impairments Training (every two years)
6. 29-7-7.7 NMSA 1978 – Tourniquet & Trauma Kit Training & Distribution (required yearly)
7. 29-11-5 NMSA 1978 – Sexual Crimes Prosecution & Treatment Program (every two years)
8. 29-20-3 NMSA 1978 – Police Training Safe Pursuit Act (every two years)
9. 29-21-3 NMSA 1978 – Policies & Procedures – Provisions prohibiting profiling (every two years)

FISCAL IMPLICATIONS

DPS analysis states the overarching statute regulating Certified Police Officer's In-Service Training requirements is 29-7-7.1 NMSA 1978 which requires 40 hours of training within a two-year cycle, which remains unchanged. Should House Bill 106 be enacted, DPS anticipates minimal fiscal impact, primarily to the state Law Enforcement Academy Board as meetings may be needed to determine the two-year training cycle training topics, the associated expenses related to the necessary Rules Hearings as required in the State Rules Act as outlined in Chapter 14 of NMSA 1978, and the resulting curriculum development. It is anticipated that should House Bill 106 be enacted, the state Law Enforcement Academy could absorb these anticipated expenses within the current funding levels.

SIGNIFICANT ISSUES

DPS points out that law enforcement training on hate crimes (31-18B-5 NMSA 1978) is not listed in House Bill 106. DPS also explains that House Bill 106 still requires all the trainings listed in the bill as necessary for the certification of police officers at the basic academy.

DPS also states that, if enacted, House Bill 106 would remove the identified in-service training requirements for certified officers either annually or every two years, although the requirements for in-service law enforcement training (29-7-7.1 NMSA 1978) would remain. The required 40 hours of in-service training every two years could then presumably (although not specifically mentioned in the bill) be heard by the state Law Enforcement Academy Board of Directors, and by means of and in compliance with the New Mexico State Rule Act, amend and establish what the training topics would be for a given two-year in-service training cycle.

DPS also states:

If House Bill 106 is enacted, it would require a significant paradigm shift. Rather than constituents contacting their local legislative representative to discuss perceived areas of concern, they would now be contacting the members of the New Mexico Law Enforcement Academy Board of Directors or the Board's Executive Secretary, the Director of the New Mexico Law Enforcement Academy, to discuss their concerns. While this would seem a logical venue for community members to voice their concerns, as many constituents currently raise their concerns to the Board, it would be a paradigm shift, nonetheless.

House Bill 106 provides that all of the training topics listed in the above sections of state statutes would be required to be taught during an officers attendance of a basic training academy.

TECHNICAL ISSUES

DPS submitted to following concern:

House Bill 106 could be amended to include direction for the New Mexico Law Enforcement Academy Board to be empowered to establish the training topics and duration to fulfill the requirements of 29-7-7.1 NMSA 1978, Certified Police Officers In-Service Training.