

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 184

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING CERTIFIED LAW ENFORCEMENT OFFICERS WHO WORK AS SCHOOL RESOURCE OFFICERS TO BE SPECIFICALLY TRAINED FOR THOSE POSITIONS; ALLOWING SCHOOL DISTRICT POLICE DEPARTMENTS THAT HAVE FULL-TIME SCHOOL RESOURCE OFFICERS TO RECEIVE FUNDING FROM THE LAW ENFORCEMENT PROTECTION FUND; CHANGING THE CURRENT AMOUNTS DISTRIBUTED FROM THE LAW ENFORCEMENT PROTECTION FUND; PROVIDING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND TO THE DEPARTMENT OF PUBLIC SAFETY TO OFFSET COSTS INCURRED DUE TO CERTAIN SPECIAL DEPLOYMENTS.

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

SECTION 1. [NEW MATERIAL] LAW ENFORCEMENT OFFICERS AS SCHOOL RESOURCE OFFICERS--TRAINING REQUIRED.--

A. As used in this section, "school resource

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

1 officer" means a commissioned law enforcement officer who is
2 responsible for school safety and crime prevention and the
3 appropriate response to crimes in public schools.

4 B. Before entering into the duties of a school
5 resource officer, a municipal police officer, county sheriff's
6 officer or a school district law enforcement officer shall
7 receive specific training for the duty, including instruction
8 on the following:

9 (1) the differences in successful law
10 enforcement when conducted inside a school environment,
11 including understanding the adolescent brain, crisis management
12 and de-escalation techniques;

13 (2) tools to be a positive role model for
14 youth, including mentoring and informal counseling techniques;

15 (3) the school resource officer's role and
16 responsibilities to school personnel and students and their
17 families and strategies for connecting students and families to
18 appropriate resources that will assist students to succeed in
19 school, including strategies for mitigating truancy;

20 (4) a variety of instructional techniques as
21 well as classroom management tools to provide law-related
22 education to students;

23 (5) an understanding of adolescent development
24 and adolescent mental health disorders and treatment; and

25 (6) identification and response to students

underscored material = new
[bracketed material] = delete

1 who are suspected of having a mental health need, including
2 critical skills and capacity for appropriately responding to
3 behavior issues that are typically observed among adolescents
4 with mental health needs.

5 C. The school resource officer training shall be
6 provided by or approved by the New Mexico law enforcement
7 academy in consultation with the public education department.

8 SECTION 2. Section 29-13-2 NMSA 1978 (being Laws 1983,
9 Chapter 289, Section 2, as amended) is amended to read:

10 "29-13-2. PURPOSE OF ACT.--The purpose of the Law
11 Enforcement Protection Fund Act is to provide for the equitable
12 distribution of money to state police, municipal police,
13 university police, tribal police, [~~and~~] county sheriff's
14 departments and school district police departments for use in
15 the maintenance and improvement of those departments in order
16 to enhance the efficiency and effectiveness of law enforcement
17 services and to sustain at a reasonable level the payments
18 available to the surviving eligible family members of a peace
19 officer killed in the line of duty."

20 SECTION 3. Section 29-13-2.1 NMSA 1978 (being Laws 1993,
21 Chapter 179, Section 4, as amended) is amended to read:

22 "29-13-2.1. DEFINITIONS.--As used in the Law Enforcement
23 Protection Fund Act:

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

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 B. "division" means the local government division
2 of the department of finance and administration;

3 C. "fund" means the law enforcement protection
4 fund;

5 D. "governmental entity" means the academy, the
6 department of public safety or a municipality, county,
7 university, tribe or [~~a county~~] school district;

8 E. "school district police department" means a
9 department of commissioned law enforcement officers who are
10 charged with preventing, investigating and solving crimes on
11 school district property;

12 ~~[E-]~~ F. "tribal police department" means the police
13 department of a tribe that has entered into an agreement with
14 the department of public safety pursuant to Section 29-1-11
15 NMSA 1978;

16 ~~[F-]~~ G. "tribe" means an Indian nation, tribe or
17 pueblo located wholly or partly in New Mexico; and

18 ~~[G-]~~ H. "university" means a four-year post-
19 secondary educational institution listed in Article 12, Section
20 11 of the constitution of New Mexico."

21 SECTION 4. Section 29-13-4 NMSA 1978 (being Laws 1993,
22 Chapter 179, Section 6, as amended by Laws 2017, Chapter 1,
23 Section 2 and by Laws 2017, Chapter 35, Section 3) is amended
24 to read:

25 "29-13-4. DETERMINATION OF NEEDS AND RATE OF

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 DISTRIBUTION.--

2 A. Annually on or before April 15, the division
3 shall consider and determine the relative needs as requested by
4 tribal, municipal, school district and university police,
5 county sheriff's departments, the department of public safety
6 and the academy for money in the fund in the succeeding fiscal
7 year pursuant to the provisions of ~~[Subsection]~~ Subsections C
8 and E of this section.

9 B. As necessary during the year, the division shall
10 transfer an amount from the fund to the peace officers', New
11 Mexico mounted patrol members' and reserve police officers'
12 survivors fund that enables the balance of the peace officers',
13 New Mexico mounted patrol members' and reserve police officers'
14 survivors fund to be maintained at a minimum balance of three
15 hundred fifty thousand dollars (\$350,000).

16 C. The division shall determine the rate of
17 distribution of money in the fund as follows:

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

.216247.3GLG

underscoring material = new
[bracketed material] = delete

1	CLASS	POPULATION	AMOUNT
2	1	0 to 20,000	\$20,000
3	2	20,001 to 160,000	30,000
4	3	160,001 to 1,280,000	40,000;

5 entitled to a rate of distribution of forty-five thousand
6 dollars (\$45,000);

7 (2) university police departments shall be
8 entitled to a rate of distribution of [~~seventeen thousand~~
9 ~~dollars (\$17,000)~~] twenty-five thousand dollars (\$25,000);

10 (3) the academy shall be entitled to a rate of
11 distribution of twenty-four thousand five hundred dollars
12 (\$24,500) to carry out the purposes of Section [~~1 of this 2017~~
13 ~~act~~] 29-7-7.7 NMSA 1978;

14 (4) tribal police departments shall be
15 entitled, unless allocations are adjusted pursuant to the
16 provisions of Subsection D of this section, to [~~six hundred~~
17 ~~dollars (\$600)~~] one thousand dollars (\$1,000) for each
18 commissioned peace officer in the tribe. To be counted as a
19 commissioned peace officer for the purposes of this paragraph,
20 a commissioned peace officer shall have been assigned to duty
21 and have worked in New Mexico for no fewer than two hundred
22 days in the calendar year immediately prior to the date of
23 payment. Payments shall be made for only those divisions of
24 the tribal police departments that perform services in New
25 Mexico. A tribal police department shall not be eligible for

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 any disbursement under the fund if commissioned peace officers
2 cite non-Indians into the tribal court for civil or criminal
3 citations; ~~and~~

4 (5) municipal, school district and university
5 police and county sheriff's departments shall be entitled,
6 unless allocations are adjusted pursuant to the provisions of
7 Subsection D of this section, to ~~[six hundred dollars (\$600)]~~
8 one thousand dollars (\$1,000) for each police officer or
9 sheriff's deputy employed full time by that department who has
10 been certified by the academy, or by a regional law enforcement
11 training facility in the state certified by the director of the
12 academy, as a police officer or has been authorized to act as a
13 New Mexico peace officer pursuant to the provisions of Section
14 29-1-11 NMSA 1978; and

15 (6) municipal police departments, sheriff's
16 departments and school district police departments that assign
17 officers as school resource officers shall be entitled to one
18 thousand dollars (\$1,000) for each assigned school resource
19 officer's training pursuant to Section 1 of this 2020 act.

20 D. After distributions are determined in accordance
21 with Subsection A, Subsection B and Paragraphs (1), (2), ~~and~~
22 (3) and (6) of Subsection C of this section, if the balance in
23 the fund is insufficient to permit the total allocations
24 provided by Paragraphs (4) and (5) of Subsection C of this
25 section, the division shall reduce that allocation to the

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 maximum amount permitted by available money.

2 E. After all distributions have been made in
3 accordance with Subsections A through D of this section, and if
4 the balance in the fund is sufficient, the department of public
5 safety shall be entitled to a rate of distribution of not more
6 than two million dollars (\$2,000,000)."

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

9 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than
10 May 1 of each year, the division shall notify in writing each
11 affected municipal police, school district police, university
12 police, tribal police and county sheriff's department, the
13 department of public safety and the academy of its
14 determination of money to be distributed pursuant to the
15 provisions of Section 29-13-4 NMSA 1978. Any affected
16 governmental entity may appeal that determination by filing a
17 notice of appeal with the secretary of finance and
18 administration no later than May 15. If an appeal is filed,
19 the secretary of finance and administration shall review the
20 determination of the division in an informal and summary
21 proceeding and shall certify the result of the appeal to the
22 division no later than June 30, and the division shall adjust
23 its determination accordingly. If no appeal is filed, the
24 original determination of the division shall be final and
25 binding and not subject to further review."

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 SECTION 6. Section 29-13-7 NMSA 1978 (being Laws 1983,
2 Chapter 289, Section 7, as amended) is amended to read:

3 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

4 A. Except as provided for the academy and the
5 department of public safety in [~~Subsection~~] Subsections B and C
6 of this section, amounts distributed from the fund shall be
7 expended only for the following:

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

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

14 (3) expenses associated with advanced law
15 enforcement planning and training;

16 (4) maintaining the balance of the peace
17 officers', New Mexico mounted patrol members' and reserve
18 police officers' survivors fund at a minimum amount of three
19 hundred fifty thousand dollars (\$350,000);

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

23 (6) no more than fifty percent of the
24 replacement salaries of municipal and county law enforcement
25 personnel of municipalities or counties [~~rated as class 1 in~~

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 ~~Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978]~~

2 participating in basic law enforcement training; and

3 (7) contingent upon the availability of
4 funding and until June 30, 2021, a law enforcement officer
5 retention payment in the amount of seven thousand five hundred
6 dollars (\$7,500); provided that:

7 (a) the distribution is requested by a
8 municipality or county law enforcement agency that on January
9 1, 2018 had a staffing vacancy rate of at least ten percent to
10 retain a law enforcement officer who is certified in accordance
11 with the Law Enforcement Training Act and has at least twenty
12 years of actual service credit earned under a municipal police
13 member coverage plan as determined by the public employees
14 retirement association;

15 (b) the municipality or county law
16 enforcement agency provides seven thousand five hundred dollars
17 (\$7,500) in matching funds to the law enforcement officer; and

18 (c) the distribution and the matching
19 funds paid to a law enforcement officer shall not constitute
20 the officer's base salary or wages and shall not be considered
21 to be salary or otherwise be used to determine a pension for
22 the purposes of the Public Employees Retirement Act.

23 B. For the academy, amounts distributed from the
24 fund shall be expended only for providing tourniquet and trauma
25 kits and training on the use of tourniquet and trauma kits

.216247.3GLG

underscored material = new
[bracketed material] = delete

1 pursuant to Section 29-7-7.7 NMSA 1978.

2 C. The amount distributed to the department of
3 public safety:

4 (1) shall:

5 (a) be used only to offset overtime-pay-
6 related expenses incurred directly by the department of public
7 safety from the special deployment of state patrol officers or
8 other emergency assistance to counties or municipalities in
9 response to critical circumstances as authorized by the
10 governor; and

11 (b) not be expended to hire new
12 personnel; and

13 (2) may be expended for costs, including
14 travel, fuel, overtime, per diem and ammunition.

15 [~~G.~~] D. Amounts distributed from the fund shall be
16 expended only pursuant to approved budgets and upon duly
17 executed vouchers approved as required by law."