

1 SENATE BILL 202

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 George K. Munoz

5
6
7
8
9
10 AN ACT

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

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

25 A. As used in this section, "school resource

.216709.1

underscoring material = new
[bracketed material] = delete

underscoring 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

.216709.1

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;

.216709.1

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

.216709.1

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

.216709.1

underscored material = new
[bracketed material] = delete

1 ~~entitled is the following:~~

2	CLASS	POPULATION	AMOUNT
3	1	0 to 20,000	\$20,000
4	2	20,001 to 160,000	30,000
5	3	160,001 to 1,280,000	40,000;

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

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

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

15 (4) tribal police departments shall be
16 entitled, unless allocations are adjusted pursuant to the
17 provisions of Subsection D of this section, to [~~six hundred~~
18 ~~dollars (\$600)] one thousand dollars (\$1,000) for each
19 commissioned peace officer in the tribe. To be counted as a
20 commissioned peace officer for the purposes of this paragraph,
21 a commissioned peace officer shall have been assigned to duty
22 and have worked in New Mexico for no fewer than two hundred
23 days in the calendar year immediately prior to the date of
24 payment. Payments shall be made for only those divisions of
25 the tribal police departments that perform services in New~~

.216709.1

underscored material = new
[bracketed material] = delete

1 Mexico. A tribal police department shall not be eligible for
2 any disbursement under the fund if commissioned peace officers
3 cite non-Indians into the tribal court for civil or criminal
4 citations; ~~and~~

5 (5) municipal, school district and university
6 police and county sheriff's departments shall be entitled,
7 unless allocations are adjusted pursuant to the provisions of
8 Subsection D of this section, to ~~[six hundred dollars (\$600)]~~
9 one thousand dollars (\$1,000) for each police officer or
10 sheriff's deputy employed full time by that department who has
11 been certified by the academy, or by a regional law enforcement
12 training facility in the state certified by the director of the
13 academy, as a police officer or has been authorized to act as a
14 New Mexico peace officer pursuant to the provisions of Section
15 29-1-11 NMSA 1978; and

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

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

.216709.1

underscored material = new
[bracketed material] = delete

1 section, the division shall reduce that allocation to the
2 maximum amount permitted by available money.

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

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

10 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than
11 May 1 of each year, the division shall notify in writing each
12 affected municipal police, school district police, university
13 police, tribal police and county sheriff's department, the
14 department of public safety and the academy of its
15 determination of money to be distributed pursuant to the
16 provisions of Section 29-13-4 NMSA 1978. Any affected
17 governmental entity may appeal that determination by filing a
18 notice of appeal with the secretary of finance and
19 administration no later than May 15. If an appeal is filed,
20 the secretary of finance and administration shall review the
21 determination of the division in an informal and summary
22 proceeding and shall certify the result of the appeal to the
23 division no later than June 30, and the division shall adjust
24 its determination accordingly. If no appeal is filed, the
25 original determination of the division shall be final and

.216709.1

underscored material = new
[bracketed material] = delete

1 binding and not subject to further review."

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

4 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

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

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

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

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

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

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

24 (6) no more than fifty percent of the
25 replacement salaries of municipal and county law enforcement

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

1 personnel of municipalities or counties [~~rated as class 1 in~~
2 ~~Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978~~]
3 participating in basic law enforcement training; and

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

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

16 (b) the municipality or county law
17 enforcement agency provides seven thousand five hundred dollars
18 (\$7,500) in matching funds to the law enforcement officer; and

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

24 B. For the academy, amounts distributed from the
25 fund shall be expended only for providing tourniquet and trauma

.216709.1

underscored material = new
[bracketed material] = delete

1 kits and training on the use of tourniquet and trauma kits
2 pursuant to Section 29-7-7.7 NMSA 1978.

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

5 (1) shall:

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

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

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

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