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AN ACT

RELATING TO PUBLIC SAFETY; PROVIDING FOR NEW AREAS OF
EMERGENCY RESPONDER TRAINING; CREATING A LAW ENFORCEMENT
OFFICER DATABASE; CREATING THE LAW ENFORCEMENT CERTIFICATION
BOARD; INCREASING CERTAIN SURVIVOR DEATH BENEFITS; MAKING AN
APPROPRIATION.

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

SECTION 1. Section 24-10B-4.2 NMSA 1978 (being
Laws 2003, Chapter 243, Section 12) is amended to read:

"24-10B-4.2. APPROVED TRAINING PROGRAMS.--

A. Approved emergency medical services training
programs for providers are an integral part of the emergency
medical services system, and the programs shall include:

(1) improving and expanding emergency
medical services within regions through focused emergency
medical services educational activities;

(2) furthering the knowledge base of
emergency medical services education; and

(3) securing physicians as medical directors
to advise approved training programs in medical matters and
to serve as liaison to the state emergency medical services
medical director and the medical community as a whole.

B. Emergency medical services training programs
shall include:

- 1 (1) crisis management and intervention;
- 2 (2) dealing with individuals who are
- 3 experiencing mental health issues;
- 4 (3) methods of de-escalation;
- 5 (4) peer-to-peer intervention;
- 6 (5) stress management; and
- 7 (6) racial sensitivity."

8 SECTION 2. Section 24-10B-12 NMSA 1978 (being
9 Laws 1993, Chapter 161, Section 7, as amended) is amended to
10 read:

11 "24-10B-12. ACADEMY--DUTIES.--The academy is designated
12 as the lead emergency medical services training agency. Its
13 duties include:

14 A. administering formal emergency medical services
15 training conducted in New Mexico, other than training
16 provided by other approved emergency medical services
17 training programs;

18 B. furthering the knowledge of emergency medical
19 services education;

20 C. securing a physician as its medical director to
21 advise it in medical matters and to serve as liaison to the
22 state emergency medical services medical director and the
23 medical community as a whole;

24 D. supporting, promoting and conducting scholarly
25 research regarding emergency medical services;

1 E. reporting and publishing emergency medical
2 services information; and

3 F. ensuring that medical services training
4 programs approved by the state include training in:

- 5 (1) crisis management and intervention;
6 (2) dealing with individuals who are
7 experiencing mental health issues;
8 (3) methods of de-escalation;
9 (4) peer-to-peer intervention;
10 (5) stress management; and
11 (6) racial sensitivity."

12 SECTION 3. Section 29-4A-5 NMSA 1978 (being Laws 1995,
13 Chapter 59, Section 5, as amended) is amended to read:

14 "29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL
15 MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL
16 DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

17 A. There is created the "peace officers',
18 New Mexico mounted patrol members' and reserve police
19 officers' survivors supplemental death benefits review
20 committee". The committee shall consist of the attorney
21 general, the chief of the New Mexico state police and the
22 state president of the fraternal order of police or their
23 designees.

24 B. The peace officers', New Mexico mounted patrol
25 members' and reserve police officers' survivors supplemental

1 death benefits review committee shall determine whether a
2 peace officer, New Mexico mounted patrol member or reserve
3 police officer has been killed in the line of duty and advise
4 the secretary of that determination. In addition to any
5 other death benefits provided by law, the surviving spouse,
6 children or parents shall be paid four hundred thousand
7 dollars (\$400,000) as supplemental death benefits whenever a
8 peace officer, New Mexico mounted patrol member or reserve
9 police officer is killed in the line of duty. The benefits
10 shall be paid from the fund.

11 C. The benefits shall be paid first to the
12 surviving spouse. If there is no surviving spouse, the
13 benefits shall be distributed in pro rata shares to all
14 surviving children. If there are no surviving children or
15 spouse, benefits shall be distributed to the surviving
16 parents of the peace officer, New Mexico mounted patrol
17 member or reserve police officer."

18 SECTION 4. Section 29-7-3 NMSA 1978 (being Laws 1979,
19 Chapter 202, Section 42, as amended) is amended to read:

20 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

21 A. There is created the "New Mexico law
22 enforcement academy board".

23 B. The board shall develop and adopt basic
24 training and in-service training standards for police
25 officers and telecommunicators in New Mexico.

1 C. The board shall be composed of the attorney
2 general, the director of the New Mexico law enforcement
3 academy and the directors of all the satellite law
4 enforcement academies, who shall serve automatically by
5 reason of their position.

6 D. Appointments to the board shall be for terms of
7 four years or less made in such manner that the terms of not
8 more than two members expire on July 1 of each year.

9 E. The board shall appoint a chief executive
10 officer to assist the board in carrying out its functions.
11 The chief executive officer shall employ persons as necessary
12 to assist the board in carrying out its functions.

13 F. Members of the board shall receive, for their
14 service as members of the board, per diem and mileage as
15 provided in the Per Diem and Mileage Act."

16 SECTION 5. Section 29-7-4 NMSA 1978 (being Laws 1969,
17 Chapter 264, Section 6, as amended) is amended to read:

18 "29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

19 A. develop a planned program, to be implemented by
20 the chief executive officer of the board, of:

21 (1) basic law enforcement training and
22 in-service law enforcement training, a portion of which may
23 be conducted on a regional basis; and

24 (2) basic telecommunicator training and
25 in-service telecommunicator training, as provided in the

1 Public Safety Telecommunicator Training Act, a portion of
2 which may be conducted on a regional basis;

3 B. prescribe qualifications for instructors and
4 prescribe courses of instruction for:

5 (1) basic law enforcement training and
6 in-service law enforcement training; and

7 (2) basic telecommunicator training and
8 in-service telecommunicator training, as provided in the
9 Public Safety Telecommunicator Training Act;

10 C. report annually to the governor;

11 D. in its discretion, accept donations,
12 contributions, grants or gifts from whatever source for the
13 benefit of the academy, which donations, contributions,
14 grants or gifts are appropriated for the use of the academy;
15 and

16 E. adopt, publish and file, in accordance with the
17 provisions of the State Rules Act, all regulations and rules
18 concerning the implementation and enforcement of the
19 provisions of the Law Enforcement Training Act and the Public
20 Safety Telecommunicator Training Act."

21 SECTION 6. A new section of the Law Enforcement
22 Training Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

23 "29-7-4.3. LAW ENFORCEMENT OFFICER TRAINING.--The
24 curriculum of each basic law enforcement training class and
25 in-service training each year for certified police officers

1 shall include:

- 2 A. crisis management and intervention;
- 3 B. dealing with individuals who are experiencing
- 4 mental health issues;
- 5 C. methods of de-escalation;
- 6 D. peer-to-peer intervention;
- 7 E. stress management;
- 8 F. racial sensitivity;
- 9 G. reality-based situational training; and
- 10 H. use of force training that includes the
- 11 elimination of vascular neck restraints."

12 SECTION 7. Section 29-7-5 NMSA 1978 (being Laws 1969,
13 Chapter 264, Section 7, as amended) is amended to read:

14 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The
15 director shall be under the supervision and direction of the
16 secretary of public safety. The director shall:

- 17 A. be the chief executive officer of the academy
- 18 and employ necessary personnel;
- 19 B. perform all other acts necessary and
- 20 appropriate to the carrying out of the director's duties; and
- 21 C. implement the training standards and
- 22 requirements developed and adopted by the board."

23 SECTION 8. Section 29-7-7.1 NMSA 1978 (being Laws 1981,
24 Chapter 114, Section 7, as amended) is amended to read:

25 "29-7-7.1. IN-SERVICE LAW ENFORCEMENT TRAINING--

1 REQUIREMENTS--ELIGIBILITY.--

2 A. In-service law enforcement training consists of
3 at least forty hours of academic instruction, approved by the
4 board, for each certified police officer during each
5 twenty-four month period of employment or service with a
6 political subdivision. The first training course shall
7 commence no later than twelve months after graduation from an
8 approved basic law enforcement training program.

9 B. All certified police officers who are eligible
10 for in-service training shall, during each twenty-four month
11 period of employment, complete a minimum of forty hours of
12 in-service law enforcement training in courses approved by
13 the board. All certified police officers shall provide proof
14 of completing in-service law enforcement training
15 requirements to the director no later than March 1 of the
16 year in which the requirements must be met. The director
17 shall provide annual notice to all certified police officers
18 regarding in-service law enforcement training requirements.
19 Failure to complete in-service law enforcement training
20 requirements may be grounds for suspension of a certified
21 police officer's certification by the law enforcement
22 certification board. A police officer's certification may be
23 reinstated by the law enforcement certification board when
24 the police officer presents that board with evidence of
25 satisfying in-service law enforcement training requirements."

1 SECTION 9. Section 29-7-13 NMSA 1978 (being Laws 1993,
2 Chapter 255, Section 10) is amended to read:

3 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF
4 CERTIFICATION.--

5 A. After consultation with the employing agency,
6 the law enforcement certification board may refuse to issue
7 or may suspend, revoke or refuse to reinstate a police
8 officer's certification when that board determines that a
9 person has:

10 (1) failed to satisfy the qualifications for
11 certification, set forth in Section 29-7-6 NMSA 1978;

12 (2) committed acts that constitute
13 dishonesty or fraud;

14 (3) been convicted of, pled guilty to or
15 entered a plea of no contest to:

16 (a) any felony charge; or

17 (b) any violation of federal or state
18 law or a local ordinance relating to aggravated assault,
19 theft, driving while under the influence of intoxicating
20 liquor or drugs, controlled substances or any law or
21 ordinance involving moral turpitude; or

22 (4) knowingly made any false statement in
23 the application for certification.

24 B. The law enforcement certification board shall
25 develop, adopt and promulgate administrative procedures for

1 suspension or revocation of a police officer's certification
2 that include notice and an opportunity for the affected
3 police officer to be heard, as well as procedures for review
4 of that board's decision."

5 SECTION 10. Section 29-7-15 NMSA 1978 (being Laws 2020
6 (1st S.S.), Chapter 7, Section 2) is amended to read:

7 "29-7-15. REVOKE POLICE OFFICER CERTIFICATION AFTER
8 CONVICTION OR MAKING CERTAIN PLEAS.--Notwithstanding any
9 other provision of law, if any police officer is convicted of
10 or pleads guilty or nolo contendere to a crime involving the
11 unlawful use or threatened use of physical force or a crime
12 involving the failure to intervene in the use of unlawful
13 force, the law enforcement certification board shall
14 permanently revoke the police officer's certification. The
15 law enforcement certification board shall not, under any
16 circumstance, reinstate the police officer's certification or
17 grant new certification to the police officer unless the
18 police officer is exonerated by a court or pardoned by the
19 governor."

20 SECTION 11. Section 29-13-4 NMSA 1978 (being Laws 1993,
21 Chapter 179, Section 6, as amended) is amended to read:

22 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
23 DISTRIBUTION.--

24 A. Annually on or before April 15, the division
25 shall consider and determine the relative needs as requested

1 by tribal, municipal, school district and university police
2 departments, county sheriff's departments, the department of
3 public safety and the academy for money in the fund in the
4 succeeding fiscal year pursuant to the provisions of
5 Subsections D and F of this section.

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

14 C. The division shall on an annual basis transfer
15 six million dollars (\$6,000,000) to the department of public
16 safety for the purpose of implementing the Law Enforcement
17 Training Act.

18 D. The division shall determine the rate of
19 distribution of money in the fund as follows:

20 (1) all municipal police, school district
21 police and county sheriff's departments shall be entitled to
22 a rate of distribution of forty-five thousand dollars
23 (\$45,000);

24 (2) university police departments shall be
25 entitled to a rate of distribution of forty-five thousand

1 dollars (\$45,000);

2 (3) the academy shall be entitled to a rate
3 of distribution of twenty-four thousand five hundred dollars
4 (\$24,500) to carry out the purposes of Section 29-7-7.7
5 NMSA 1978;

6 (4) tribal police departments shall be
7 entitled, unless allocations are adjusted pursuant to the
8 provisions of Subsection E of this section, to one thousand
9 dollars (\$1,000) for each commissioned peace officer in the
10 tribe. To be counted as a commissioned peace officer for the
11 purposes of this paragraph, a commissioned peace officer
12 shall have been assigned to duty and have worked in New
13 Mexico for no fewer than two hundred days in the calendar
14 year immediately prior to the date of payment. Payments
15 shall be made for only those divisions of the tribal police
16 departments that perform services in New Mexico. A tribal
17 police department shall not be eligible for any disbursement
18 under the fund if commissioned peace officers cite
19 non-Indians into the tribal court for civil or criminal
20 citations;

21 (5) municipal, school district and
22 university police and county sheriff's departments shall be
23 entitled, unless allocations are adjusted pursuant to the
24 provisions of Subsection E of this section, to one thousand
25 dollars (\$1,000) for each police officer or sheriff's deputy

1 employed full time by that department who has been certified
2 by the academy, or by a regional law enforcement training
3 facility in the state certified by the director of the
4 academy, as a police officer or has been authorized to act as
5 a New Mexico peace officer pursuant to the provisions of
6 Section 29-1-11 NMSA 1978; and

7 (6) municipal police, sheriff's and school
8 district police departments that assign officers as school
9 resource officers shall be entitled to one thousand dollars
10 (\$1,000) for each assigned school resource officer's training
11 pursuant to Section 29-7-14 NMSA 1978.

12 E. After distributions are determined in
13 accordance with Subsection A, Subsection B and
14 Paragraphs (1), (2), (3) and (6) of Subsection D of this
15 section, if the balance in the fund is insufficient to permit
16 the total allocations provided by Paragraphs (4) and (5) of
17 Subsection D of this section, the division shall reduce that
18 allocation to the maximum amount permitted by available
19 money.

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

25 SECTION 12. Section 59A-52-6 NMSA 1978 (being

1 Laws 1984, Chapter 127, Section 952, as amended) is amended
2 to read:

3 "59A-52-6. FIRE PROTECTION TRAINING PROGRAMS.--The
4 state fire marshal shall establish and conduct training
5 programs throughout the state for demonstrating and teaching
6 firefighters proper methods of preventing and extinguishing
7 fires. The training programs also shall include:

8 A. crisis management and intervention;

9 B. dealing with individuals who are experiencing
10 mental health issues;

11 C. methods of de-escalation;

12 D. peer-to-peer intervention;

13 E. stress management; and

14 F. racial sensitivity."

15 SECTION 13. A new section of the Department of Public
16 Safety Act is enacted to read:

17 "LAW ENFORCEMENT OFFICER DATABASE.--

18 A. By no later than June 30, 2022, the secretary
19 shall create a database to coordinate the sharing of
20 information among state, local and federal law enforcement
21 agencies concerning instances of excessive use of force
22 related to law enforcement matters, accounting for applicable
23 privacy and due process rights.

24 B. The database provided for in Subsection A of
25 this section shall include a mechanism to track, as

1 permissible, terminations or decertifications of law
2 enforcement officers, criminal convictions of law enforcement
3 officers for on-duty conduct and civil judgments against law
4 enforcement officers for improper use of force. The database
5 shall account for instances where a law enforcement officer
6 resigns or retires while under active investigation related
7 to the use of force. The secretary shall take appropriate
8 steps to ensure that the information in the database consists
9 only of instances in which law enforcement officers were
10 afforded due process.

11 C. Upon a particularized showing of the need for
12 the requested data, the secretary shall make available to a
13 law enforcement agency data regarding specific law
14 enforcement officers whose identity has been entered into the
15 database described in Subsection A of this section.

16 D. The secretary shall regularly and periodically
17 make available to the public aggregated and anonymized data
18 from the database described in Subsection A of this section.

19 E. As used in this section:

20 (1) "law enforcement agency" means the
21 police department of a municipality, the sheriff's office of
22 a county, the New Mexico state police or the department; and

23 (2) "law enforcement officer" means a state
24 or municipal police officer, county sheriff, deputy sheriff,
25 conservation officer, motor transportation enforcement

1 officer or other state employee authorized by state law to
2 enforce criminal statutes."

3 SECTION 14. A new section of the Department of Public
4 Safety Act is enacted to read "LAW ENFORCEMENT CERTIFICATION
5 BOARD--APPOINTMENT--POWERS AND DUTIES.--

6 A. The "law enforcement certification board" is
7 established and administratively attached to the department
8 of public safety as an independent board. The board shall
9 consist of nine members appointed by the governor with the
10 advice and consent of the senate. No more than five members
11 of the board shall be members of the same political party.
12 The members of the board shall be appointed for five-year
13 terms. Two of the initial board members shall be appointed
14 for one-year terms; two of the initial board members shall be
15 appointed for two-year terms; two of the initial board
16 members shall be appointed for three-year terms; two of the
17 initial board members shall be appointed for four-year terms;
18 and one of the initial board members shall be appointed for a
19 five-year term.

20 B. The law enforcement certification board
21 membership shall include the following:

22 (1) a retired judge who shall serve as chair
23 of the board;

24 (2) a current or retired municipal peace
25 officer who has at least three years of supervisory

1 experience as sergeant or above;

2 (3) a current or retired sheriff's deputy
3 who has at least three years of supervisory experience as
4 sergeant or above;

5 (4) a current or retired tribal law peace
6 officer who has at least three years of supervisory
7 experience as sergeant or above;

8 (5) an attorney in private practice who
9 practices as a plaintiff's attorney in the area of civil
10 rights;

11 (6) an attorney in private practice who
12 represents public entities in civil rights claims;

13 (7) an attorney who has prosecuted and
14 represented criminal defendants;

15 (8) a member appointed by the New Mexico
16 municipal league; and

17 (9) a member appointed by the New Mexico
18 association of counties.

19 C. The law enforcement certification board may:

20 (1) issue a certificate of completion to any
21 person who:

22 (a) graduates from an approved basic
23 law enforcement training program and who satisfies the
24 qualifications for certification as set forth in
25 Section 29-7-6 NMSA 1978; or

1 (b) graduates from an approved basic
2 telecommunicator training program and who satisfies the
3 qualification for certification as set forth in the Public
4 Safety Telecommunicator Training Act;

5 (2) deny, renew, suspend or revoke:

6 (a) a peace officer's certification for
7 just cause as provided in the Law Enforcement Training Act;
8 and

9 (b) a telecommunicator's certification
10 for just cause as provided in the Public Safety
11 Telecommunicator Training Act; and

12 (3) conduct investigations, administer oaths
13 and subpoena persons as necessary to make determination
14 regarding fitness of a law enforcement officer to execute a
15 law enforcement officer's duties.

16 D. The law enforcement certification board may
17 require by subpoena the attendance of witnesses or the
18 production of records and other evidence relevant to an
19 investigation and shall have such other powers and duties and
20 administer or enforce such other acts as further provided by
21 law.

22 E. The law enforcement certification board shall
23 appoint a chief executive officer to assist the board in
24 carrying out its functions. The chief executive officer
25 shall employ persons as necessary to assist the law

1 enforcement certification board in carrying out its
2 functions.

3 F. The law enforcement certification board shall
4 issue a certificate of completion and certification to:

5 (1) graduates from an approved basic law
6 enforcement training program who satisfy the qualifications
7 for certification as set forth in Section 29-7-6 NMSA 1978;
8 or

9 (2) graduates from an approved basic
10 telecommunicator training program who satisfy the
11 qualifications for certification as set forth in the Public
12 Safety Telecommunicator Training Act.

13 G. Members of the law enforcement certification
14 board shall receive, for their service as members of the
15 board, per diem and mileage as provided in the Per Diem and
16 Mileage Act."

17 SECTION 15. REPEAL.--Section 29-7-5.1 NMSA 1978 (being
18 Laws 1979, Chapter 202, Section 45, as amended) is repealed.

19 SECTION 16. EFFECTIVE DATE.--

20 A. The effective date of the provisions of
21 Sections 1 through 10 and 12 through 15 of this act is
22 January 1, 2022.

23 B. The effective date of the provisions of
24 Section 11 of this act is July 1, 2022. _____