

HOUSE BILL 254

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Martin R. Zamora

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE SCHOOL MARSHAL ACT;  
REQUIRING SCHOOL MARSHAL TRAINING; ESTABLISHING SCHOOL MARSHAL  
PROCEDURES.

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

SECTION 1. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
"School Marshal Act".

SECTION 2. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the School  
Marshal Act:

A. "applicant" means a school employee who has  
successfully completed a school marshal training program, is

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1 licensed to carry a handgun pursuant to the Concealed Handgun  
2 Carry Act and has applied to be a school marshal;

3 B. "governing body" means the governing structure  
4 of a charter school as set forth in the school's charter;

5 C. "school marshal" means a school employee who has  
6 successfully completed a school marshal training program, is  
7 licensed to carry a handgun pursuant to the Concealed Handgun  
8 Carry Act and has been selected by the school district to be a  
9 school marshal; and

10 D. "trainee" means a person who is licensed to  
11 carry a handgun pursuant to the Concealed Handgun Carry Act and  
12 is a participant in the school marshal training program."

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

15 "[NEW MATERIAL] SCHOOL MARSHAL TRAINING PROGRAM.--

16 A. The department of public safety shall establish  
17 and maintain a training program open to any employee of a  
18 school district, charter school or private school who holds a  
19 license to carry a handgun issued under the Concealed Handgun  
20 Carry Act. The training may be conducted only by department of  
21 public safety staff or a provider approved by the department of  
22 public safety.

23 B. The department of public safety shall collect  
24 from each employee who participates in the training program  
25 identifying information that includes the person's name and

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1 date of birth, the license number of the license issued to the  
2 person pursuant to the Concealed Handgun Carry Act and the  
3 address of the school district, charter school or private  
4 school that employs the person.

5 C. The training program shall include eighty hours  
6 of instruction designed to:

7 (1) emphasize strategies for preventing school  
8 shootings and for securing the safety of potential victims of  
9 school shootings;

10 (2) educate a trainee about legal issues  
11 relating to the duties of peace officers and the use of force  
12 or deadly force in the protection of others;

13 (3) introduce the trainee to effective law  
14 enforcement strategies and techniques;

15 (4) improve the trainee's proficiency with a  
16 handgun; and

17 (5) enable the trainee to respond to an  
18 emergency situation requiring deadly force, such as a situation  
19 involving an active shooter.

20 D. The department of public safety, in consultation  
21 with a psychologist or psychiatrist, shall devise and  
22 administer a psychological examination to each trainee to  
23 determine whether the trainee is psychologically fit to carry  
24 out the duties of a school marshal in an emergency shooting or  
25 active shooter situation. The department of public safety may

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1 license a trainee under this section only if the results of the  
2 examination indicate that the trainee is psychologically fit to  
3 carry out those duties.

4 E. The department of public safety shall charge  
5 each trainee a reasonable fee to cover the cost of conducting  
6 the program.

7 F. The department of public safety shall issue a  
8 school marshal license to a trainee who is eligible for  
9 appointment as a school marshal who:

10 (1) completes training under this section to  
11 the satisfaction of the department of public safety staff; and

12 (2) is psychologically fit to carry out the  
13 duties of a school marshal as indicated by the results of the  
14 psychological examination administered under this section.

15 G. A school marshal license or renewed school  
16 marshal license issued pursuant to the provisions of the School  
17 Marshal Act shall expire on July 31 following the second  
18 anniversary of the date the department of public safety issued  
19 that license.

20 H. A licensed school marshal may renew a school  
21 marshal license by:

22 (1) successfully completing a school marshal  
23 license renewal course designed and administered by the  
24 department of public safety that shall not exceed sixteen hours  
25 of combined classroom and simulation training;

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1 (2) demonstrating appropriate knowledge on an  
2 examination designed and administered by the department of  
3 public safety;

4 (3) demonstrating handgun proficiency to the  
5 satisfaction of department of public safety staff; and

6 (4) demonstrating psychological fitness on the  
7 examination described in Subsection D of this section.

8 I. The department of public safety shall revoke a  
9 person's school marshal license if the person's license to  
10 carry a handgun issued pursuant to the Concealed Handgun Carry  
11 Act has been suspended or revoked. A person whose school  
12 marshal license is revoked may obtain recertification by:

13 (1) furnishing proof that the person's handgun  
14 license pursuant to the Concealed Handgun Carry Act has been  
15 reinstated; and

16 (2) completing the initial training pursuant  
17 to Subsection C of this section to the satisfaction of the  
18 department of public safety staff, paying the fee for the  
19 training and demonstrating psychological fitness on the  
20 psychological examination described in Subsection D of this  
21 section.

22 J. The department of public safety shall submit the  
23 identifying information collected pursuant to Subsection B of  
24 this section for each person licensed pursuant to this section  
25 to:

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- 1 (1) the secretary of public safety;  
2 (2) the school district, charter school or  
3 private school that employs the person; and  
4 (3) the chief law enforcement officer of the  
5 local municipal law enforcement agency where the school  
6 district, charter school or private school is located; provided  
7 that when there is no municipal law enforcement agency,  
8 identifying information shall be submitted to the county  
9 sheriff in the county in which the school district, charter  
10 school or private school is located.

11 K. The department of public safety shall  
12 immediately report the expiration or revocation of a school  
13 marshal license to each entity listed in Subsection J of this  
14 section.

15 L. Information collected or submitted under this  
16 section is submitted for security purposes as part of a  
17 confidential tactical plan or procedure and shall not be  
18 disclosed in a request made pursuant to the Inspection of  
19 Public Records Act."

20 SECTION 4. A new section of the Public School Code is  
21 enacted to read:

22 "[NEW MATERIAL] SCHOOL MARSHAL PROCEDURES.--

23 A. A local school district may appoint one or more  
24 school marshals for each school campus.

25 B. A local school district may appoint an applicant

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1 who is a school employee of the school district or charter  
2 school as a school marshal. The local school board or  
3 governing body may reimburse the amount paid by the applicant  
4 to participate in the training program pursuant to the  
5 provisions of Section 3 of the School Marshal Act.

6 C. A local school district that appoints a school  
7 marshal shall enact policies to provide for the safe carrying  
8 of a concealed firearm by the school marshal, and such policies  
9 shall require that a:

10 (1) school marshal may carry a concealed  
11 handgun on the school marshal's person or possess the handgun  
12 on the physical premises of a school in a locked and secured  
13 safe or other locked and secured location; and

14 (2) handgun carried or possessed by a school  
15 marshal may be loaded only with frangible duty ammunition  
16 approved for that purpose by the department of public safety.

17 D. A school marshal appointed by a local school  
18 district may carry a concealed handgun or possess a handgun on  
19 the physical premises of a school; provided that:

20 (1) the school marshal shall act in accordance  
21 with written rules adopted by the local school board or the  
22 governing body; and

23 (2) the school marshal shall only carry a  
24 concealed handgun at the specific school as specified by the  
25 local school board or governing body.

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1           E. A school marshal may use a handgun that the  
2 school marshal is authorized to carry or possess only under  
3 circumstances that would justify the use of deadly force  
4 pursuant to Section 30-2-7 NMSA 1978.

5           F. A school district, charter school or private  
6 school employee's status as a school marshal becomes inactive  
7 upon:

8                   (1) expiration of the employee's school  
9 marshal license pursuant to Section 3 of the School Marshal  
10 Act;

11                   (2) suspension or revocation of the employee's  
12 license to carry a handgun issued pursuant to the Concealed  
13 Handgun Carry Act;

14                   (3) termination of the employee's employment  
15 with the school district or charter school; or

16                   (4) notice from the local school district that  
17 the employee's services as school marshal are no longer  
18 required.

19           G. The identity of a school marshal appointed under  
20 this section is part of a confidential tactical plan or  
21 procedure and shall not be disclosed in a request made pursuant  
22 to the Inspection of Public Records Act."