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FISCAL IMPACT REPORT

SPONSOR Jaramillo/Herrera **LAST UPDATED** _____
ORIGINAL DATE 2/16/2023
BILL
SHORT TITLE Law Enforcement Fund Distribution **NUMBER** Senate Bill 288
ANALYST Rabin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Conflicts with House Bill 357

Sources of Information

LFC Files

Responses Received From

Department of Public Safety (DPS)

No Response Received

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Senate Bill 288

Senate Bill 288 directs the Department of Finance and Administration (DFA) to establish a program to distribute funds to state and local law enforcement agencies to prevent crime and improve public safety. The bill specifies law enforcement agencies may use the funds to provide recruitment and retention stipends to law enforcement officers or civilian personnel within agencies whose positions directly support commissioned officers.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

SB288 does not contain an appropriation or identify a funding source for the program it establishes. As a result, the bill does not appear to have a fiscal impact.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (General Appropriation Act) appropriates \$32.5 million to DFA for law enforcement workforce capacity

building initiatives, but this appropriation is contingent on legislation creating the law enforcement workforce capacity building fund. The bill proposing to create that fund (House Bill 357) repeals the section of statute SB288 proposes to amend.

SIGNIFICANT ISSUES

There is no appropriation contained in this bill, and the General Appropriation Act (GAA) does not include any appropriations that would provide funding for the program established by the bill. As a result, it does not appear the program created by this bill would be able to distribute any funds to law enforcement agencies.

LFC has previously raised concerns regarding DFA’s implementation of the existing recruitment and retention program established by the statute SB288 proposes to amend (SB288 appears to add a new program for a similar purpose or create a new component of the existing program). Investing in recruitment and retention of high-quality law enforcement officers is an important component of protecting and improving public safety. Laws 2022, Chapter 56, (House Bill 68) created the existing DFA program to distribute up to \$50 million (appropriated in the 2022 GAA) over five years to local law enforcement agencies for recruitment and retention stipends, prioritizing increasing agencies’ investigative capacity. However, due to vetoes of language, these funds could also be used for other recruitment and retention strategies and the majority of the funding was awarded without a clear or rigorous application process. The first round of awards was made based on a survey sent to agencies by the Department of Public Safety (DPS) that was not identified as an application, and many agencies, including eight of the 20 largest local law enforcement agencies in the state, consequently did not prioritize responding and were excluded from the first round of funding. Although five of these agencies received funding during a second round of awards, these awards were much lower than those received by comparably sized agencies in the first round.

DPS writes:

The bill does not indicate eligibility criteria for funding which may cause confusion, unless the intent of the bill is to allocate funding to every law enforcement officer in the state. Furthermore, the bill requires additional clarification regarding eligible “civilian personnel”. There are many different civilian personnel positions that play a support role for law enforcement, and it should be clearly defined which positions qualify. For example, in Section B, personnel are listed as “administrative personnel” and “forensic personnel”, which must be more clearly defined as those positions are vast with many different associated job classifications.

CONFLICT

SB288 conflicts with House Bill 357, which repeals the existing statute SB288 proposes to amend (Section 9-6-5.3 NMSA 1978).

TECHNICAL ISSUES

SB288 appears to use the terms “law enforcement officer” and “police officer” interchangeably, as well as the terms “law enforcement agency” and “police agency.” It may be desirable to use more consistent language.