

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 13FEB25 *Check all that apply:*  
**Bill Number:** HB376 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Luis M. Terrazas, Rep. Jenifer Jones, Rep. Rebecca Dow, Rep. Rod Montoya, Rep. Angelita Mejia  
**Short Title:** Border Security Division in DPS

**Agency Name and Code Number:** 790 – Department of Public Safety  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$30,000.0	Nonrecurring	

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue				Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27			
\$0.0	\$0.0	\$0.0	\$0.0	N/A \$0.0	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Related to 2025 SB257 and HB107

Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

This bill establishes the Border Security Division within the Department of Public Safety and envisions an interstate compact for border security collaboration among participating states. Additionally, the bill introduces penalties for the trafficking of specific controlled or counterfeit controlled substances. To support the implementation of this initiative, the legislation appropriates \$55 million from the general fund.

#### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

#### **SIGNIFICANT ISSUES**

HB 376 proposes a \$30 million appropriation to the Department of Public Safety (DPS) for recruiting and hiring border patrol security personnel, as well as for the procurement of transportation vehicles and surveillance equipment. While the intent of the bill is clear, significant operational challenges exist that could hinder the effective use of these funds within the proposed timeframe.

One of the primary concerns is the limited 12-month period for expenditure. Recruiting and hiring law enforcement personnel is a lengthy process that requires time for screening, background checks, training, and onboarding. Additionally, the bill mandates the hiring of a director for the program. However, given that the position is temporary and limited to less than a year, attracting and retaining a qualified candidate will be extremely difficult. Law enforcement professionals typically seek stable, long-term employment, and a short-term position may not draw the necessary talent.

Another major issue is the procurement of specialized vehicles and equipment. Law enforcement-grade vehicles and surveillance technology require customization and extended production timelines, often taking more than a year to build and deliver. The strict one-year funding requirement does not account for these delays, meaning that DPS may be unable to complete the necessary purchases before the fiscal year ends, resulting in unspent funds.

Additionally, ongoing recruitment and retention challenges within law enforcement present another obstacle to the timely execution of HB 376. As of January 2025, the New Mexico State Police (NMSP) had filled 641 of its 722 authorized officer positions, leaving a vacancy rate of approximately 11%. A new recruit school began in early February 2025 with 27 recruits, of whom 23 remain. Even if all 23 successfully graduate, the vacancy rate will still stand at 8%. These figures underscore the persistent hiring difficulties faced by law enforcement agencies, which could further complicate efforts to staff the proposed border patrol security positions within the bill's constraints.

#### **PERFORMANCE IMPLICATIONS**

The New Mexico State Police (NMSP) is facing significant challenges in filling its commissioned officer vacancies. Across the 12 uniformed districts statewide, there is a high number of unfilled positions, making it increasingly difficult to provide adequate law enforcement coverage, particularly in rural areas. This shortage also strains manpower within the department's specialized bureaus, including the Investigations Bureau, Crime Suppression Bureau, Special Operations, Commercial Vehicle Enforcement, and the Special Investigations Unit. Given these staffing shortages, it would be highly challenging for NMSP and the Department of Public Safety (DPS) to establish and maintain a fully staffed Border Security Division while also dedicating full-time

officers or agents to its other operations. The current vacancies already impact on essential law enforcement functions, and reallocating personnel to a new division could further exacerbate these challenges.

#### **ADMINISTRATIVE IMPLICATIONS**

No Administrative implications to DPS.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship, or relationship to DPS.

#### **TECHNICAL ISSUES**

No technical issues to DPS.

#### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

#### **ALTERNATIVES**

Not applicable as no impact to DPS.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain.

#### **AMENDMENTS**

None at this time.