

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: 02/22/2025 *Check all that apply:*
Bill Number: HB473 Original Correction
 Amendment Substitute

Sponsor: C. Brown **Agency Name and Code** 790 – Department of Public Safety
Short Title: Amends School Personnel Act re: school security personnel **Number:** _____
Person Writing Sonya K. Chavez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	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
Total	N/A	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Amends the School Personnel Act to create the position of assistant school security personnel, who are registered Level One or Level Two security guards, to be employed by a school district or charter but not authorized to carry a firearm on school premises; and to include retired or former commissioned peace officers or level three security guards in the definition of “school security personnel” who are employed by a school district or charter and who are authorized to carry a firearm on school premises. Makes conforming amendments to the Private Investigations Licensing Act.

FISCAL IMPLICATIONS

The fiscal impact on the Law Enforcement Records Bureau (LERB) is minimal and indeterminate, with costs primarily associated with updating Originating Agency Identifier (ORI) assignments and fingerprinting processes. Costs may include staff training, system modifications, and coordination with the Federal Bureau of Investigation (FBI) Criminal Justice Information Law Unit (CJILU). If additional background checks increase workload, staffing adjustments may be necessary. The state may need to cover FBI RAP Back enrollment fees for continuous monitoring, depending on policy decisions. Overall, while the financial implications could be limited, they cannot be precisely determined at this time.

SIGNIFICANT ISSUES

Both the School Personnel Act governed by NMSA 1978, Chapter 22, Article 10A and Private Investigations Act, codified in NMSA 1978, Chapter 61, Article 27B will need to be updated to include the definition to reflect the implementation of HB 473, and then the NMSA 1978, 22-10A-2 and NMSA 1978, 22-10A-5 will need to be modified to include the definition of security guards and their responsibilities at each level. The guards will need to be fingerprinted for each school, and each school ORI would be responsible for reviewing the security guard’s credentials and confirming they are cleared to be assigned to the specific school.

Once these changes have been made, NMSA 1978, Sections 22-10A-2 thru 5 and NMSA 1978, Chapter 61, Article 27B must be resubmitted to the Department of Public Safety (DPS) for review. Following this, the CJIS CSO’s Office will take all necessary steps to secure a final review from the FBI’s Office of the General Counsel (OGC) Criminal Justice Information Law Unit (CJILU). It is important to note that this approval process may take over three months. The FBI will make the final determination on whether the bill meets the requirements of Public Law 92-544 and Title 28 of the Code of Federal Regulations (28 CFR). If the bill is approved, our office will obtain the necessary authority to modify or create a new Originating Agency Identifier (ORI). Additionally, we will file all required documentation to establish or update the Reason for Fingerprinting (RFP) in the DPS fingerprinting vendor upon receiving CJILU’s final approval.

Without these clarifications, there is a potential risk for schools that fail to properly vet security personnel, leading to public safety concerns and compliance issues.

PERFORMANCE IMPLICATIONS

Carrying of a firearm would be relative to concealed carry requirements and not law enforcement firearms qualifications and requirements.

Effective coordination between LERB, FBI CJILU, school districts, charter schools, the Public Education Department (PED), and NM Regulation and Licensing Department are essential to ensure that fingerprinting procedures comply with state and federal regulations.

ADMINISTRATIVE IMPLICATIONS

The bureau must work closely with the FBI CJILU to obtain federal approval for the fingerprinting process. Coordination with school districts and private security firms is necessary to standardize the vetting process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Very similar to HB 485

TECHNICAL ISSUES

The bill must explicitly state whether all school security personnel require fingerprint-based background checks. The law must reflect that former law enforcement officers and all levels of security guards must undergo “new” fingerprint-based checks each time they are employed by a school district, or work at a “new” school district to ensure the corresponding district receives information via their ORI about the employee. School districts are not allowed by FBI rules and policies to share criminal history records information (CHRI) with each other. LERB must ensure federal approval for new ORI assignments and RFP categories to prevent legal challenges.

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.