

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

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**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 02/17/2025 *Check all that apply:*  
**Bill Number:** SB 50 Original  Correction   
 Amendment  Substitute

**Sponsor:** Antonio Maestas **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** Public Safety Telecommunications and Law Enforcement **Number:** \_\_\_\_\_  
**Person Writing** Sheila McDonald  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$200.0	Nonrecurring Job Task Analysis	General Fund
\$0.0	\$400.0	Nonrecurring Telecomm Training	General Fund
\$0.0	\$400.0	Nonrecurring Officer Training	General Fund

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

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

(Parenthesis ( ) indicate revenue decreases)

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

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
LERF Portal Support	\$0.0	\$164.6	\$153.1	\$317.7	Recurring	DFA LEPF
LERF Disb to NMSP Telecomm	\$0.0	\$68.1	\$74.3	\$142.4	Recurring	DFA LEPF
LERF Disb to Other NM Govt Telecomm	\$0.0	\$556.7	\$665.2	\$1,221.9	Recurring	DFA LEPF
LERF Disb to Private Telecomm	\$0.0	\$1,212.8	\$1,435.5	\$2,648.3	Recurring	DFA LEPF
LERF Disb to Private Safety Agencies	\$0.0	\$10,000.0	\$10,000.0	\$20,000.0	Recurring	DFA LEPF
<b>Total</b>	<b>\$0.0</b>	<b>\$12,002.2</b>	<b>\$12,328.1</b>	<b>\$24,330.3</b>	<b>Recurring</b>	<b>DFA LEPF</b>
LECB	\$0.0	\$1,821.7	\$1,598.7	\$3,420.4	Recurring	General Fund
ASD for LECB	\$0.0	\$899.7	\$776.7	\$1,676.4	Recurring	General Fund
NMLEA	\$0.0	\$589.3	\$531.8	\$1,121.1	Recurring	General Fund
<b>Total</b>	<b>\$0.0</b>	<b>\$3,310.7</b>	<b>\$2,907.2</b>	<b>\$6,217.9</b>	<b>Recurring</b>	<b>General Fund</b>

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2023 SB19 and 2024 SB13.  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Addresses training and continuing education of police officers and public safety telecommunicators. Makes numerous changes to provisions concerning the Law Enforcement Standards and Training Council, the Law Enforcement Certification Board, and the New Mexico Law Enforcement Academy. Makes three (3) appropriations for a total of \$1 million (GF, nonreverting) to the Department of Public Safety for various purposes (detailed below).

SB 50 adds telecommunicators to the law enforcement retention fund and makes them eligible for retention differential disbursement. It provides a definition for “safety agency” and replaces “law enforcement agency” with “law enforcement or safety agency” throughout the retention differential disbursement section of the bill. This bill states the New Mexico Law Enforcement Academy (NMLEA) is a division within the Department of Public Safety (DPS) and that the LEA/DPS no longer provide staff support to the New Mexico Law Enforcement Standards and Training Council. Pursuant to this bill, the New Mexico Law Enforcement Standards and Training Council will be responsible for developing all law enforcement education programs.

The bill also provides that the Law Enforcement Certification Board (LECB) will have the authority to deny admission to a certification program as well as suspend or revoke a police officer's or telecommunicator's certification and provides the ability to do so as being based on "a finding of probable cause that continued performance represents a threat to public safety, including the potential for imminent harm to others or agency liability." According to the bill, the chief executive officer (CEO) of the LECB and its staff will function with complete independence from DPS and shall have the CEO's own budget and authority. This bill changes the curriculum requirements for the basic law enforcement training and requires that the curricula not be published in the New Mexico Administrative Code. Pursuant to this bill, the director of the NMLEA will no longer be under the supervision and direction of the secretary of public safety and will be the CEO of the NMLEA.

### ***APPROPRIATIONS***

- \$200,000 (GF, nonreverting) to the Department of Public Safety for use in FY 2026 and subsequent years for job task analysis, assessment, and recommendations to modernize public safety telecommunicator training.
- \$400,000 (GF, nonreverting) to the Department of Public Safety for use in FY 2026 and subsequent years for curriculum development and testing to implement public safety telecommunicator training.
- \$400,000 (GF, (GF, nonreverting) to the Department of Public Safety for use in FY 2026 and subsequent years for curriculum development for new in-service training programs for all police officers.

### ***REPEALS***

NMSA 1978, Section 29-7-4.1 (Domestic abuse incident training)

NMSA 1978, Section 29-7-4.2 (Child abuse incident training)

NMSA 1978, Section 29-7-5 (Powers and duties of the director)

NMSA 1978, Section 29-7-7.3 (Ensuring child safety upon arrest, training)

NMSA 1978, Section 29-7-7.4 (Missing person and AMBER alert training)

NMSA 1978, Section 29-7-7.5 (Interaction with persons with mental impairments, training)

NMSA 1978, Section 29-7-7.7 (Tourniquet and trauma kit training and distribution)

NMSA 1978, Section 29-20-3 (Law Enforcement Safe Pursuit—Police Training)

NMSA 1978, Section 31-18B-5 (Hate crimes, law enforcement training).

### **FISCAL IMPLICATIONS**

The legislation allocates a total of \$1 million to support these reforms, covering job task analyses, curriculum development, and new in-service training programs. However, while the bill claims to modernize and professionalize law enforcement training and certification, it fails to account for the serious logistical and financial burdens it imposes. Smaller training academies, in particular, may struggle to meet the new accreditation standards, especially financially, jeopardizing their ability to operate and leaving them at a severe disadvantage. This reform could very well exacerbate existing inequalities, undermining the broader goal of improving law enforcement training.

### ***LAW ENFORCEMENT RETENTION FUND***

If the legislation is enacted to add telecommunicators to the LERF distribution, the Department of Public Safety's (DPS) Information Technology Division (ITD) will need to hire one (1) IT

Application Developer III to update and maintain the portal at an initial cost of \$164,600 in FY 2026 to include IT equipment and furniture, with a recurring cost of \$153,100.

If implemented and only if an appropriation is made through this legislation, current New Mexico State Police (NMSP) telecommunicators would be eligible for disbursement in FY 2026 and FY 2027:

FY26 Tier	FTE	FY26 Payment
0 - Not Eligible	51.00	\$ -
1 - 4 Years	1.00	\$ 3,044
2 - 9 Years	5.00	\$ 15,965
3 - 14 Years	4.00	\$ 14,453
4 - 19 Years	5.00	\$ 17,786
5 - 20+ Years	4.00	\$ 16,850
<b>Grand Total</b>	<b>70.00</b>	<b>\$ 68,097</b>

FY27 Tier	FTE	FY27 Payment
0 - Not Eligible	49.00	\$ -
1 - 4 Years	4.00	\$ 11,812
2 - 9 Years	5.00	\$ 17,061
3 - 14 Years	1.00	\$ 4,952
4 - 19 Years	2.00	\$ 5,834
5 - 20+ Years	9.00	\$ 34,636
<b>Grand Total</b>	<b>70.00</b>	<b>\$ 74,294</b>

Using current telecommunicator data from the NMLEA's Acadis system and an average hourly rate of \$25.50 per hour for a New Mexico telecommunicator per Google AI as of February 11, 2025, DPS is projecting the FY 2026 and FY 2027 eligibility and cost for telecommunicators other than NMSP at:

FY26 Tier	FTE	FY26 Payment
0 - Not Eligible	578.00	\$ -
1 - 4 Years	51.00	\$ 145,599
2 - 9 Years	21.00	\$ 59,952
3 - 14 Years	14.00	\$ 39,968
4 - 19 Years	7.00	\$ 19,984
5 - 20+ Years	102.00	\$ 291,198
<b>Grand Total</b>	<b>773.00</b>	<b>\$ 556,702</b>

FY27 Tier	FTE	FY27 Payment
0 - Not Eligible	540.00	\$ -
1 - 4 Years	50.00	\$ 142,744
2 - 9 Years	41.00	\$ 117,050
3 - 14 Years	19.00	\$ 54,243
4 - 19 Years	14.00	\$ 39,968
5 - 20+ Years	109.00	\$ 311,182
<b>Grand Total</b>	<b>773.00</b>	<b>\$ 665,187</b>

DPS strongly opposes the legislative language in this bill that allows for the employees of private businesses to be eligible for LERF. According to ZIPPIA.Com, approx. 66% of dispatchers work at private companies in the United States while the remaining 34% work at public entities. Assuming the total number for NMSP and other state government entities is 34% of the state's total population, a 66% estimate and need for private companies in New Mexico would be:

Group	FTE	FY26 Payment	FY 27 Payment
New Mexico State Police	70.00	\$ 68,097	\$ 74,294
Other New Mexico Gov't Entities	773.00	\$ 556,702	\$ 665,187
<b>34% Total Public Sector</b>	<b>843.00</b>	<b>\$ 624,799</b>	<b>\$ 739,481</b>
<b>66% Private Sector Estimate</b>	<b>1,636.00</b>	<b>\$ 1,212,845</b>	<b>\$ 1,435,463</b>
<b>100% Total LERF Need</b>	<b>2,479.00</b>	<b>\$ 1,837,644</b>	<b>\$ 2,174,944</b>

In addition, *Governing.Com* notes that the use of private security guards has been growing across the New Mexico, especially in response to understaffed police departments and rising concerns about public safety.

*The United States Fire Administration's "National Fire Department Registry Summary"* notes that New Mexico has a mix of career, volunteer, and mostly volunteer fire departments, with the majority of fire departments in New Mexico being volunteer based.

New Mexico also has a mix of public and private EMS providers, including ambulance services and other emergency medical personnel.

As it is unclear if all employees of these entities would be eligible for a disbursement from LERF under the new definition of a "safety agency", it is possible that as many as 10,000 to 20,000 employees in these three (3) employment categories could receive retention payments. DPS estimates this group could cost an additional \$10 million dollars each fiscal year.

The total cost for all proposed expenditures to the DPS Law Enforcement Fund, funded by DFA's Law Enforcement Protection Fund is:

Item	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
LERF Portal Support	\$0.0	\$164.6	\$153.1	\$317.7	Recurring	DFA LEPF
LERF Disb to NMSP Telecomm	\$0.0	\$68.1	\$74.3	\$142.4	Recurring	DFA LEPF
LERF Disb to Other NM Govt Telecomm	\$0.0	\$556.7	\$665.2	\$1,221.9	Recurring	DFA LEPF
LERF Disb to Private Telecomm	\$0.0	\$1,212.8	\$1,435.5	\$2,648.3	Recurring	DFA LEPF
LERF Disb to Private Safety Agencies	\$0.0	\$10,000.0	\$10,000.0	\$20,000.0	Recurring	DFA LEPF
<b>Total</b>	<b>\$0.0</b>	<b>\$12,002.2</b>	<b>\$12,328.1</b>	<b>\$24,330.3</b>	<b>Recurring</b>	<b>DFA LEPF</b>

While the Department of Public Safety (DPS) is supportive of efforts to recruit and retain vital

public safety positions at both state and local agencies throughout the state, DPS and statewide law enforcement agencies will face negative fiscal implications from this legislation due to the decrease in the Department of Finance and Administration's (DFA) Law Enforcement Protection Fund (LEPF) funding that will result at the end of each fiscal year. LEPF funding is the primary source of funding for the DPS Law Enforcement Retention Fund (LERF) authorized in 2022 HB-68 and amended in 2024 HB-193 that provides stipends for law enforcement officers across the state based on eligible years-of-service.

The newly proposed distributions from the LEPF will drain the fund's balance, leaving little to no funds for the New Mexico State Police (NMSP). This poses a direct threat to NMSP's ability to access its critical \$2,000,000 allocation already under existing statute, which is vital for public safety operations statewide. The potential reduction or elimination of this funding will create severe financial strain, crippling NMSP's ability to support crime prevention, assist local law enforcement, and provide essential resources to combat crime. The result will be a significant erosion of public safety throughout New Mexico, leaving the state vulnerable to increased crime and law enforcement deficiencies.

The Law Enforcement Retention Fund (LERF) relies entirely on leftover funds from the LEPF at the end of each fiscal year. If the LEPF is depleted, DPS will be unable to provide critical annual stipends to law enforcement officers for their years of service. With the LERF already on the brink of running out of funds, any reduction in LEPF allocations will directly threaten the survival of the fund, leaving law enforcement officers without the essential financial support they rely on. This puts the stability of officer retention and morale at serious risk.

Throughout this legislation, it is very confusing to understand the exact intent and definition of a safety agency as it is written. This analysis is based on conflicting information regarding the term "safety agency" used in the bill. Therefore, the DPS strongly opposes the inclusion of the "safety agency" population to be included in the Law Enforcement Retention Fund (LERF), as it completely contradicts existing statutes and rules that are specifically designed for law enforcement professionals. Unlike law enforcement officers, who must meet strict training and certification requirements to qualify for funding, "safety agencies" could include unqualified individuals, such as employees of private businesses, who under this legislation will not have to be qualified professionals but will be receiving state funding even though they are not state employees. Furthermore, the proposed bill language undermines the intent of the fund by allowing non-law enforcement entities to access limited resources, draining the already-scarce funding meant for qualified law enforcement officers. This would create an unreasonable and unjust system, essentially opening the door for private businesses and volunteers in unrelated fields to claim LERF funding—fundamentally distorting the purpose of the fund and further compromising the support available to those who truly need it.

Moreover, the proposed legislation fails to provide any appropriation for telecommunicators under the Law Enforcement Retention Fund (LERF) and adding them to the fund would be fiscally irresponsible. As previously stated, the LEPF is already struggling to sustain its current obligations, and any additional recipients will only drain the limited resources available. The LERF was never intended to support other entities; it was specifically established to benefit law enforcement officers. With the fund balance already dwindling and subject to annual deficits, adding telecommunicators will directly impact funding for the law enforcement officers the fund was created to support, as outlined in 2022 HB68. Simply put, there is no money available to expand eligibility, and doing so would severely undermine the fund's original purpose.

**LAW ENFORCEMENT CERTIFICATION BOARD**

The proposed bill language states that the LECB will separate from the NMDPS. If this legislation is passed, then the projected annual operating costs for current employees assigned to the Law Enforcement Certification Board (LECB) are:

Job Title	Grade	FTE	PSEB Cost
Executive Director	36	1.00	\$ 187,065
Attorney Supervisor	LI	1.00	\$ 176,635
Law Clerk	LE	1.00	\$ 110,958
A/O Mgr II	85	1.00	\$ 141,458
Staff Mgr	75	2.00	\$ 231,889
Data Analyst I	70	1.00	\$ 103,187
State Investigator	65	1.00	\$ 90,417
Business Ops Spec - A	60	1.00	\$ 77,673
Exec Sec & Admin Asst - A	55	1.00	\$ 71,876
Compliance Officer - A	55	2.00	\$ 143,752
<b>Total</b>		<b>12.00</b>	<b>\$ 1,334,910</b>

Category	FY 2026	FY 2027
200 - Personal Services and Employee Benefits	\$ 1,345,910	\$ 1,345,910
300 - Contractual Services	\$ 85,000	\$ 85,000
400 - Other Costs	\$ 390,780	\$ 167,780
<b>Total Need</b>	<b>\$ 1,821,690</b>	<b>\$ 1,598,690</b>

**It is concerning that this bill makes no mention of funding for these projected costs of \$1,821,700 in FY 2026 and \$1,598,700 in FY 2027.**

**ADMINISTRATIVE SERVICES DIVISION for LAW ENFORCEMENT CERTIFICATION BOARD**

As the Chief Executive Officer (CEO) and staff shall function with complete independence from DPS, the LECB will need to create and stand up an Administrative Services Division (ASD) to replace the support functions currently provided by DPS with seven (7) new positions. All agencies are required to staff a Chief Financial Officer, Chief Procurement Officer and a Human Resources representative:

Job Title	Function	Grade	PSEB Cost
Gen Mgr I	Chief Financial Officer	90	\$ 154,216
A/O Mgr I	Chief Procurement Officer	80	\$ 128,701
Budget Analyst - A	Budget	65	\$ 90,417
Accountant & Auditor - A	Finance	65	\$ 90,417
Purchasing Agent - A	Procurement	65	\$ 90,417
Human Resource Generalist III	Human Resources	BI	\$ 98,295
Admin Service Coord - A	Administrative Support	55	\$ 71,876
<b>Total</b>			<b>\$ 724,339</b>

Category	FY 2026	FY 2027
200 - Personal Services and Employee Benefits	\$ 734,538	\$ 734,538
300 - Contractual Services	\$ 9,500	\$ 9,500
400 - Other Costs	\$ 155,655	\$ 32,655
<b>Total Need</b>	<b>\$ 899,693</b>	<b>\$ 776,693</b>

**200 – Personal Services and Employee Benefits** also includes an estimate of \$5,200 for the General Services Department’s (GSD) annual risk management premiums for a total of 20 employees (13 current LECB plus 7 new ASD), plus \$5,000 overtime required to meet statutory deadlines and emergencies.

**300 – Contractual Services** include an estimate for the lowest published rate for the annual external audit required by the Office of the State Auditor as LECB only has one (1) general fund appropriation.

**400 – Other Costs** include one-time purchases totaling \$123,000 in FY 2026 for information technology equipment at \$24,500, office furniture at \$56,000, and one (1) vehicle for the new ASD staff at \$42,500. Recurring costs also include \$57,350 for a 3,700 sq. ft. office lease rental and \$24,000 for janitorial services and pest control.

**Total ASD costs of \$899,700 in FY 2026 and \$776,700 in FY 2027 will require a new general fund appropriation.**

## ***NEW MEXICO LAW ENFORCEMENT ACADEMY***

### **Curriculum and Accreditation Changes**

If this legislation passes, the restructuring of the Training and Standards Council will inevitably lead to increased costs due to higher credentialing requirements, more stringent continuing education standards, and the need for recurring job task analyses. These changes will place an additional financial burden on the system, requiring significantly more funding to implement and maintain:

#### ***Page 28, Section I – Faculty Certification and Credentialing***

This section requires a standardized method to certify and credential instructors, increasing the need for continued adult learning opportunities. To maintain Academy operations while instructors complete the required training, additional staffing will be necessary. This will require two (2) Law Enforcement Instructors to support ongoing training and operational needs:

- FY2026 Initial Cost: \$276,200
- Recurring Cost (FY2027 & Beyond): \$253,200

#### ***Pages 20-21, Section 5 - Needs-Based Assessment (Recurring JTA) and Page 34, Section 1 - Accreditation Standards***

To ensure compliance with accreditation standards and the recurring needs-based assessment (JTA) process, an appropriation will be required for one (1) Compliance Officer and one (1) Management Analyst–A.

- FY2026 Initial Cost: \$208,700
- Recurring Cost (FY2027 & Beyond): \$185,700

#### ***Page 11, Sections C & D, Page 20, Section 5 and Page 21, Section B - Academy Credentialing and Certification***

Increased staffing will be required at the Law Enforcement Academy (LEA) to conduct regular audits and assessments associated with academy credentialing and certification. This requires one (1) Compliance Officer to ensure compliance and quality control in these areas.

- FY2026 Initial Cost: \$104,400
- Recurring Cost (FY2027 & Beyond): \$92,900

#### ***Total Fiscal Impact:***

- **FY2026 Initial Costs: \$589,300**
- **Recurring Costs (FY2027 & Beyond): \$531,800**



The total cost for all proposed expenditures requiring General Fund appropriations is:

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
LECB	\$0.0	\$1,821.7	\$1,598.7	\$3,420.4	Recurring	General Fund
ASD for LECB	\$0.0	\$899.7	\$776.7	\$1,676.4	Recurring	General Fund
NMLEA	\$0.0	\$589.3	\$531.8	\$1,121.1	Recurring	General Fund
<b>Total</b>	<b>\$0.0</b>	<b>\$3,310.7</b>	<b>\$2,907.2</b>	<b>\$6,217.9</b>	<b>Recurring</b>	<b>General Fund</b>

## SIGNIFICANT ISSUES

### *New Mexico Law Enforcement Academy*

This bill presents a contradictory and confusing proposal by stating that the New Mexico Law Enforcement Academy (NMLEA) is a division within the Department of Public Safety (DPS), yet removes the director from under the supervision of the secretary of public safety. The bill's designation of the director as the CEO of NMLEA undermines the secretary's established responsibility to manage all operations within the department, as outlined in NMSA 1978, Section 9-19-6. This illogical shift creates unnecessary disparity within DPS, as other Division Director II positions report to their respective Deputy Cabinet Secretaries. The NMLEA should remain under the supervision of the Secretary of the Department of Public Safety to maintain clear and effective leadership as well as transparency related to public trust. The NMLEA is in support of remaining under the supervision of the Department of Public Safety.

### *Standards and Training Council*

The proposed changes in this bill are confusing and poorly thought out. The current language in NMSA 1978, Section 29-7-3 clearly states that the Law Enforcement Standards and Training Council is administratively attached to DPS. However, this bill introduces a bizarre shift by allowing the Council to hire its own director and staff, creating unnecessary complications. Additionally, the bill removes the NMLEA Director from the position of Chair, a role they currently hold, and relegates them to a non-voting member. This change undermines the structure and effectiveness of the Council, weakening its ability to function smoothly and efficiently. It's a solution in search of a problem, and it creates confusion where there should be clarity. In years past, similar language was instituted in the passing of 2023 SB19 and created confusion and difficulty for all administrative functions required to stand up the LECB.

The updated language in this bill stipulates that only three (3) of the nine (9) directors from satellite law enforcement academies across the state will be allowed to sit on the council, and this will occur on a rotating basis. In contrast, the previous language allowed all nine (9) satellite academies to sit on the council and contribute input on behalf of their individual academies and constituent law enforcement agencies. According to the new language, the three (3) selected academies will not only represent their own institutions but also provide input on behalf of the other six (6) academies that do not have seats on the council at that time. This necessitates a higher degree of communication, collaboration, and cooperation among all academies to ensure that everyone's views and concerns are adequately represented and addressed. By limiting the number of members, it excludes valuable perspectives from the other six (6) academies, which

could result in a less-comprehensive understanding of the challenges and needs across all regional satellite academies. The three (3) members chosen may hold disproportionate influence over decisions, which could skew decision making in favor of certain regions, interests and/or priorities.

This proposal is both misguided and alarming. Under current law, the curriculum for law enforcement training is clearly defined, with specific areas of focus listed in statute. This bill, however, seeks to replace these clear, standardized requirements with a vague, subjective curriculum that leaves room for interpretation. This is a huge step backward. A specified curriculum ensures consistency and uniformity in training, guaranteeing that all recruits and cadets receive the same foundational knowledge. Shifting to a broader, more subjective approach introduces the risk of inconsistencies, where recruits may not be taught the same critical skills, depending on how instructors interpret the material. This could lead to dangerous disparities in training quality and make it harder for satellite academies to ensure their programs meet compliance standards. This is a reckless and unnecessary change that undermines the integrity and effectiveness of law enforcement training.

Of most concern, it is crucial to note that the bill does not clarify whether the Council supports or has any input during the drafting process. If the Council was not consulted, this poses significant issues. They will now be responsible for implementing these new changes, which directly impact their role and responsibilities. Such a lack of consultation can lead to challenges in effective execution, as the Council may not have the necessary context or buy-in to carry out these changes efficiently. This oversight could potentially result in operational inefficiencies and decreased morale among Council members, as they are asked to implement policies they had no hand in shaping.

### ***Law Enforcement Certification Board***

The bill provides the Law Enforcement Certification Board (LECB) with the authority to deny admission to a certification program as well as suspend or revoke a police officer's or telecommunicator's certification based on "a finding of probable cause that continued performance represents a threat to public safety, including the potential for imminent harm to others or agency liability." A probable cause standard is inappropriate in a situation in which someone's certification is at risk. The term "probable cause" is often used in the context of criminal law to describe the standard for arrests or searches. When applied to refusing to issue, suspending, or revoking an officer's or telecommunicator's certification, this standard is too vague and open to interpretation and could lead to inconsistent decisions about what constitutes a "threat to public safety" or "imminent harm."

Additionally, allowing the LECB to utilize a probable cause standard conflicts with the language and processes established in Rule 10.29.1.11 through 10.29.1.15 NMAC, the Law Enforcement Training Act, and the Public Safety Telecommunicator Training Act. These rules and statutes specify the grounds for discipline, notice requirements, opportunities to be heard, degrees of discipline, appellate procedures, and final review by the LECB.

NMSA 1978, Section 29-7-13 and NMSA 1978, Section 29-7C-9 delineate the only bases for the refusal to issue, suspension, or revocation of an officer's or telecommunicator's certification, restricted to four specific areas. The new probable cause standard outlined in this bill grants the LECB the authority to deny, suspend, or revoke certifications based on a significantly lower threshold. Moreover, it broadens the range of infractions that could result in such outcomes, potentially leading to an increase in actions taken against individuals under the pretext of

maintaining public safety.

This lack of clear, defined standards could endow the board with excessive discretion, possibly allowing for decisions to be made on subjective or inconsistent grounds. This potential overreach poses risks to fairness and due process, raising concerns about the equitable treatment of individuals subjected to these expanded disciplinary measures.

According to the bill, the chief executive officer (CEO) of the LECB and its staff will function with complete independence from DPS and shall have the CEO's own budget and authority. Removing DPS oversight of LECB could lead to a lack of accountability and result in fewer checks and balances to ensure that the LECB is adhering to consistent standards and practices as well as state government rules and regulations concerning personnel, budget control, and fiscal responsibility.

The separation between the LECB and DPS could lead to significant coordination challenges, potentially causing inefficiencies in the implementation of policies and procedures. Without seamless collaboration between these entities, there may be gaps in communication, resulting in delays and misunderstandings that could compromise public safety measures. Effective cooperation between the LECB and DPS is essential to ensure that standards are consistently upheld and that both organizations work towards common goals in a unified manner. This partnership is crucial for maintaining robust public safety standards, as it allows for the sharing of expertise, resources, and best practices.

The proposal to grant the CEO of the Law Enforcement Certification Board (LECB) complete independence from the Department of Public Safety (DPS) is a deeply flawed decision that could have serious repercussions. DPS' expertise and experience in law enforcement matters make their involvement in certification decisions, disciplinary actions, and training standards indispensable. Moreover, the public's trust in law enforcement could be undermined if the LECB operates independently, without the established credibility and oversight provided by the DPS. This trust is essential for the effective functioning of law enforcement and the fostering of positive community relations. Simply put, removing DPS involvement is an ill-conceived move that weakens accountability and jeopardizes public trust.

This bill stipulates that members of the LECB will continue to be appointed by the governor, yet it eliminates the requirement for Senate advice and consent on these appointments. The Senate's role in advising and consenting is a crucial aspect of the system of checks and balances within the government. It ensures that appointments are subject to thorough scrutiny and maintains transparency in the selection process. Without Senate involvement, appointments to the LECB could be made with significantly less oversight. This reduction in scrutiny may lead to concerns about the qualifications and impartiality of appointees, as there would be fewer checks to prevent potential biases or conflicts of interest. Moreover, the absence of Senate consent could diminish the accountability of the appointment process, potentially undermining public trust in the LECB's governance.

This bill's proposal to remove the basic law enforcement training curriculum from the New Mexico Administrative Code is deeply troubling. By not publishing the curriculum in the code, it creates a significant barrier to transparency, making it far more difficult for the public, stakeholders, and oversight bodies to access the exact content of law enforcement training programs. Transparency is a cornerstone of public trust, and by taking this step, the bill risks fostering a perception of secrecy and a lack of accountability in law enforcement practices. This

move undermines the very principle of openness that is essential for maintaining trust between law enforcement and the communities they serve. It's a misguided decision that could have serious consequences for both public perception and oversight.

SB50's mandate requiring law enforcement academies, including the New Mexico State Police (NMSP) academy, to achieve national accreditation under new standards is a significant and costly burden. To align their training curriculum, faculty qualifications, and operational policies with nationally recognized best practices, academies will need additional funding, staffing, and major restructuring of their programs. This transition is not only financially demanding but also creates immense pressure on DPS to ensure full compliance. Non-compliance will result in the loss of funding eligibility, which could lead to severe financial shortfalls. The potential financial strain on DPS and the significant resources required to meet these new standards make this mandate an unreasonably high risk without guaranteeing tangible improvements to public safety.

### **PERFORMANCE IMPLICATIONS**

By adding private safety agencies to LERF, you are incentivizing private sector employees to stay with those safety agencies. This will adversely affect law enforcement recruiting, as several of these areas are common applicant pools for law enforcement, both for officers and telecommunicators. The end result could be that this use of funding could undermine all of the other actions the Legislature has taken in recent years to build up staffing in law enforcement.

### **ADMINISTRATIVE IMPLICATIONS**

Since this bill mandates that the Chief Executive Officer (CEO) and staff function with complete independence from DPS, it will require a budget transfer from one agency to the other. Additionally, all LECB FTEs must be transferred through collaboration with the State Personnel Office.

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

2023 SB19 "Law Enforcement and Public Safety Telecomm / Law Enforcement Procedures" and 2024 SB13 "Public Safety Recruitment and Appropriations"

### **TECHNICAL ISSUES**

The definition of telecommunicators should be defined as "public safety telecommunicators." The definition of safety agency should be defined as "public safety agency" and should more clearly define who the non-state governmental entities identified under this bill language are.

### **OTHER SUBSTANTIVE ISSUES**

None identified.

### **ALTERNATIVES**

None noted.

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

Status quo will remain.

**AMENDMENTS**

None proposed.