

<b>LFC Requester:</b>	<b>Joseph Simon</b>
-----------------------	---------------------

**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:** 01FEB2025 *Check all that apply:*  
**Bill Number:** SB241 Original  Correction   
 Amendment  Substitute

**Sponsor:** Sen. Roberto “Bobby” Gonzales **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Hwy Construction Auto Speed Enforcement **Person Writing:** Matthew Broom, Deputy Chief  
**Phone:** 5757601485 **Email:** Matthew.broom@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	Indeterminate	Indeterminate	Recurring	NMDOT Civil Fines

(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 for NMSP</b>	\$0.0	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund
<b>Total for LERB</b>	\$0.0	\$218.3	\$211.3	\$429.6	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**

Allows the Department of Transportation to use automated speed cameras in construction zones to record and distribute speeding violations; outlines tiered civil fines for violations:

- \$50 for speeds 6-10 mph over the limit.
- \$100 for 11-15 mph over.
- \$200 for 16+ mph over.

Allows a hearing process to challenge violations and specifies that revenue would go to the Traffic Safety Bureau to maintain and administer the system. DOT would set rules and regulations of the program but allow third-party groups to conduct annual calibration of devices and explicitly disallows contractors from being paid based on ticket volume.

Takes effect July 1, 2025.

#### **FISCAL IMPLICATIONS –**

The New Mexico State Police (NMSP) will be responsible for the determination and issuance of citations for speed violations captured by automated speed cameras in construction zones. However, in order to effectively manage the increased workload associated with reviewing violations and enforcing penalties, additional funding will be required to cover overtime expenses for officers overseeing this process.

The implementation of SB 241 will require the Law Enforcement Records Bureau (LERB) to hire two (2) Program Coordinators – I, serving as auditors within the Non-Criminal Audit Unit. These auditors will be responsible for ensuring compliance with Criminal Justice Information Services (CJIS) policies, particularly concerning the handling, transmission, and storage of automated speed enforcement data.

A Memorandum of Understanding (MOU) governing the Speed Enforcement Cameras (SEC) system will need to establish strict data security, retention, and auditing requirements. The MOU provisions incorporated into this analysis highlight the necessity of routine audits to ensure CJIS compliance, prevent misuse of data, and verify secure data sharing protocols. Specifically, the audit unit will oversee:

Annual CJIS-compliant audits of SEC system use.

Verification of authorized users and access controls (ensuring background checks, CJIS certification, and role-based access control enforcement).

Data retention and security compliance, ensuring proper encryption, restricted access, and adherence to deletion procedures.

Vendor compliance audits, ensuring that all third-party vendors handling SEC data sign a CJIS Security Addendum, pass a fingerprint-based background check, and remain felony-free throughout employment.

Misuse monitoring, tracking unauthorized queries or potential misuse of SEC data and ensuring appropriate disciplinary actions. Additionally, the CJIS Security Policy Section 6.0 mandates that all data associated with license plate recognition (LPR) systems and automated enforcement systems be classified as Criminal Justice Information (CJI). As a result, DPS will enforce strict management control over vendors by requiring them to sign an FBI Management Control Agreement (MCA). This agreement ensures that DPS retains full operational

oversight of the automated speed enforcement system, its data, and its infrastructure—preventing contractors from having sole discretion over sensitive law enforcement data.

Without these auditing measures and compliance safeguards, the state risks CJIS non-compliance, potential security breaches, and legal challenges regarding the unauthorized use of criminal justice information. The hiring of additional personnel within the Non-Criminal Audit Unit is a necessary investment to maintain system integrity and protect the state's law enforcement data infrastructure while implementing SB 241.

DPS would request a reasonable percentage for overhead costs depending on its law enforcement-related activities and support costs as identified by LERB, overhead costs typically range between 10% and 30%. Given that this involves overtime expenses, administrative review, and enforcement efforts, a 15% to 25% overhead cost would be a reasonable estimate.

Key factors to consider:

Personnel Costs: Overtime pay for officers reviewing violations.

Administrative Costs: Processing citations, handling appeals, and system maintenance.

Equipment & Technology: Potential costs associated with data management and software integration.

If the program is expected to require significant personnel time beyond normal duties, a higher percentage (closer to 25%-30%) may be justified.

## **SIGNIFICANT ISSUES**

SB 241 will need to outline that all speeding violation data must be routed through the DPS Law Enforcement Records Bureau (LERB) Message Switch, which integrates information from multiple criminal justice databases. This system provides real-time access to criminal justice agency records, ensuring that any license plate data collected is handled as Criminal Justice Information (CJI) per FBI standards.

To maintain integrity and security, all vendors handling CJI data will be required to:

Pass a fingerprint-based background check, ensuring they have no prior felonies and remain felony-free throughout their employment with the contractor.

Sign an FBI Management Control Agreement (MCA) with DPS, which establishes clear authority and oversight by the state over the vendor's handling of sensitive law enforcement data. An MCA ensures that DPS retains full control over automated enforcement systems, including access protocols, data security, and regulatory compliance, rather than allowing a private contractor to operate independently without law enforcement oversight.

Contracted vendors will not be allowed to sell any data they have access to. Contractors will not be allowed to share with any entity for non-criminal justice or non-public safety purposes.

## **PERFORMANCE IMPLICATIONS**

Implementing automated speed cameras will aid DPS in proactive enforcement within designated construction zones. Over the last five years, DPS has issued over 13,800 citations in designated construction zones. The use of automated speed cameras would allow DPS to provide another asset in ensuring the safety of both drivers and workers.

SB 241 aims to improve highway safety by reducing speeding in construction zones, which are high-risk areas for workers and motorists. Automated enforcement may lead to greater compliance with speed limits, thereby lowering accident rates and fatalities. However, the system's effectiveness will depend on public awareness, fair enforcement, and the ability to process violations efficiently. The success of this initiative can be measured

through reductions in construction zone crashes and increased compliance with posted speed limits.

## **ADMINISTRATIVE IMPLICATIONS**

The bill imposes significant administrative responsibilities on the DOT, DPS, and the Traffic Safety Bureau. The DOT must procure and maintain automated speed detection systems, while the DPS will be responsible for reviewing violations and processing fines. Hearing examiners must be appointed to adjudicate disputes, adding to the administrative burden. Additionally, a third-party laboratory must perform annual calibration tests, requiring oversight and funding.

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

None.

## **TECHNICAL ISSUES**

The bill does not specify how **out-of-state violators** will be handled.

It lacks provisions for **appealing fines beyond administrative hearings**, which could raise constitutional challenges.

There is **no provision for data privacy** regarding vehicle owners' information collected through automated systems

## **OTHER SUBSTANTIVE ISSUES**

Legislation authorizing the use of automated speed cameras in construction zones is a critical step in enhancing safety for both workers and drivers. These zones, often with reduced visibility and changing conditions, pose significant risks, and automated systems can provide an efficient, reliable way to enforce speed limits without requiring constant human presence. By recording and distributing speeding violations, we can deter reckless driving and ensure stricter adherence to safety regulations.

## **ALTERNATIVES**

DPS suggests that DOT consider utilizing either the speed camera vendor or a third party contractor to manage the citations and prevent over burdensome work be conducted on DPS' behalf.

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

Status Quo will remain.

## **AMENDMENTS**

DPS has no recommended amendments at this time.