

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

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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: 02/05/2025 *Check all that apply:*
Bill Number: SB 256 Original Correction
 Amendment Substitute

Sponsor: Thornton/Paul
 Firearms for School Employees
Short Title: _____

Agency Name and Code 790 – Department of Public Safety
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		
\$0.0	\$0.0	Recurring	General Fund

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	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	\$1,449.6	\$1,402.1	\$2,851.7	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Related to 2023 HB254
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 256 (SB 256) adds the School Teachers On-site Protection Act to the Public School Code to require the Department of Public Safety to conduct school employee firearm training; establishing procedures for school employees with concealed carry permits to be licensed and appointed by the Superintendent to carry handguns on school premises; exempts such school employees from the crime of unlawful carrying of a deadly weapon on school premises.

FISCAL IMPLICATIONS

Fiscal implications to the Law Enforcement Academy are as follows:

Full-Time Employees (FTEs)

To successfully address the proposed legislation, the Law Enforcement Academy requires additional personnel, including four full-time employees: one curriculum developer (Pay Band 65), one compliance officer (Pay Band 65), and two law enforcement instructors (Pay Band PI). The total initial funding needed for FY2026 is **\$485,000**, with a recurring cost of **\$439,000** for FY2027 and beyond to sustain these positions and associated expenses.

Potential Need for Funding in Key Areas

- **Training Program Development** – The Academy will need funding to develop and implement new training modules addressing interactions with armed school employees, active shooter response involving civilians carrying firearms, and legal considerations surrounding school-based firearm use. This would include scenario-based simulations and coordination exercises with school personnel. (Addressed by new curriculum developer.)
- **Tactical and Scenario-Based Training** – Creation of realistic active shooter training simulations that incorporate school personnel carrying firearms. This could include virtual reality training systems, force-on-force exercises, and specialized drills that prepare officers to identify and differentiate between threats and legally armed school staff. (Addressed by new curriculum developer and law enforcement instructor.)
- **De-escalation and Crisis Intervention Training** – Since school employees carrying firearms could become involved in volatile situations, officers will need advanced training in de-escalation techniques to safely resolve conflicts without unnecessary use of force. Funding will be needed to enhance crisis negotiation, behavioral threat assessment, and verbal de-escalation courses. (Addressed by additional law enforcement instructors.)
- **Legal and Policy Training** – Officers will require legal education on how Senate Bill 256 changes school safety policies, including liability issues, use-of-force laws, and coordination protocols with school districts. This portion could be handled by existing legal instruction resources at the Academy.
- **Equipment and Simulation Resources** – Effective training will require investment in simulation equipment, including simunition firearms, protective gear, and digital training platforms that can replicate real-world school security scenarios. The Academy could address a majority of these training needs with the projected completion of the Reality-Based Training Center (expected to be funded this year).
- **Collaboration with School Districts** – Establishing effective joint training exercises between law enforcement and school employees will require logistical support and coordination efforts. Funding would be needed to cover travel, facility use, scheduling, and interagency training partnerships between the Academy, DPS, and school districts. **Estimated at \$250,000 for the first year and recurring thereafter.**

- **Instructor Expansion and Certification** – With additional training requirements, specific training to certify instructors may be needed statewide to teach specialized courses. Funding would support recruitment, certification, and compensation for law enforcement trainers specializing in school safety, crisis response, and firearm handling in educational environments. **Estimated at \$500,000.**

Total Fiscal Impact to the Law Enforcement Academy

- **Initial Funding Required for FY2026: \$1,235,000** (Includes \$485,000 for personnel and \$750,000 for training, equipment, and collaboration needs)
- **Recurring Cost for FY2027 and Beyond: \$1,189,000** (Includes \$439,000 for personnel and \$750,000 for ongoing training, collaboration, and instructor certification)

Without sufficient funding in these areas, the Academy may struggle to fully prepare teachers and officers for the complex challenges posed by armed school personnel, increasing risks of misidentification, response delays, and liability concerns during school-based emergencies.

Fiscal Impact to the Information Technology Division as follows:

Implementation of the proposed legislation will require the Department of Public Safety, Information Technology Division to add one (1) full-time equivalent (FTE) position, an IT Application Developer III, to develop and maintain a secure database for tracking the training and licensing of school employees authorized to carry handguns on school premises. Additionally, an IT server will need to be purchased to store and manage this information.

The estimated initial cost of implementation in **FY2026** is **\$214,600**, which includes personnel costs, system development, and the procurement of necessary IT infrastructure. The **recurring cost for FY2027** and beyond is estimated at **\$213,100**, covering ongoing system maintenance, personnel expenses, and server upkeep.

Fiscal impact to the Law Enforcement Records Bureau as follows:

The primary fiscal implications will be implementation of the School Employee Firearm Licensing System (SEFLS), as mandated by SB 256. The cost will be development or augmentation of a current database to track program applicants, and creation of an interface to the DPS Concealed Carry Unit (CCU) databases. This data-sharing initiative will ensure that only qualified school employees with valid concealed carry licenses are approved for the additional school firearm license.

SIGNIFICANT ISSUES

SB 256 could potentially impact NMLEA by introducing new training requirements and operational considerations related to armed school employees. Since the bill allows trained school staff to carry firearms on school premises after completing a state-approved firearm training program, law enforcement officers responding to school incidents will need additional training on how to identify, coordinate, and interact with armed school personnel during emergency situations.

The proposed legislation calls for DPS to “devise and administer” a psych test. That implies a test that is not the same as the law enforcement test and this requirement would lead to consideration about the development of governing rules, an appeal process, who oversees compliance of these school employees, etcetera. This would likely coincide with the oversight of the application process.

SB 256 Section 3. B. requires DPS to “collect from each employee who participates in the school employee

firearm training program identifying information that includes the person's name and date of birth, the license number of the license issued to the person pursuant to the Concealed Handgun Carry Act and the address of the school district, charter school or private school that employs the person.” This will require the creation and maintenance of a new database and associated software interface to enter and securely maintain the sensitive data. The development and maintenance of this system will require 1 FTE: IT Application Developer III.

A significant issue arising under SB 256 concerns concealed carry license confidentiality and data disclosure restrictions as outlined in Section 29-19-6(B) NMSA 1978, which mandates that applicant and licensee information collected by DPS and law enforcement agencies remains confidential and exempt from public disclosure unless a court order requires otherwise. This legal restriction prevents DPS, LERB, and CCU from disclosing identifying information about licensed individuals who carry firearms, even upon public or media inquiry. While SB 256 requires data sharing with school districts, law enforcement, and DPS leadership, compliance must align with existing state law to ensure no unauthorized release of sensitive concealed carry licensee data. Clarification on how DPS can share information within lawful parameters without breaching confidentiality statutes should be addressed in the final implementation.

The bill raises concerns regarding liability, training standards, and the psychological fitness of school employees to handle firearms in crisis situations. While it attempts to mitigate risks through mandatory psychological evaluations and training, questions remain about the efficacy of a 40-hour course compared to the extensive training required for law enforcement officers. Additionally, school districts must establish policies for firearm security, ensuring that weapons are properly stored when not carried.

PERFORMANCE IMPLICATIONS

The LEA would need to update its curriculum to include school-specific scenario-based training that accounts for the presence of legally armed school employees in active shooter situations. Officers must be trained to distinguish between an active threat and an authorized school staff member carrying a firearm.

Additionally, if law enforcement agencies are tasked with assisting or supplementing school firearm training, the LEA may need to develop specialized courses or certification programs for agencies, including designated school training personnel, who will supplement this initiative by providing recurring training for school employees.

(Two FTE's-- Curriculum Developer and Compliance Officer)

The bill's requirement for school employees to receive firearm training through DPS will require additional FTE's to execute and manage compliance.

The Academy may also need to provide guidance on communication protocols and coordination strategies for officers working with armed school personnel during crisis response.

Another potential impact is the need for expanded de-escalation training for officers handling school-related incidents. Armed school personnel may become involved in confrontations, requiring officers to engage in strategic de-escalation efforts to prevent escalation and ensure safe resolution of incidents. NMLEA may also need to provide legal training on liability and use-of-force considerations related to school employees using firearms in self-defense or defense of students.

(Two FTE's—Law Enforcement Instructors)

The performance implications for the law enforcement bureau are limited, but DPS must ensure rigorous

training, certification, and oversight to maintain the effectiveness and integrity of the program. The Concealed Carry Unit will need to develop renewal standards, oversee background checks, and coordinate licensing records with the School Employee Firearm Licensing System (SEFLS) program. **ADMINISTRATIVE IMPLICATIONS**

The required additional ITD FTE will increase management workload.

The Law Enforcement Records Bureau's Concealed Carry Unit will need to modify its existing database to track individuals who are school employees and who have firearm licenses, ensuring that suspensions or revocations of concealed carry permits result in automatic revocation of school firearm licenses, and that this information is shared with the School Employee Firearm Licensing System (SEFLS) program.

DPS must develop and implement a structured training curriculum, administer psychological exams, and maintain records of certified school employees. This will require additional personnel and funding for licensing and tracking compliance.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 256: this exemption must be reconciled with federal gun-free school laws, including the Gun-Free School Zones Act (18 U.S.C. § 922(q)), which prohibits firearms on school grounds but allows exceptions for state-authorized programs.

TECHNICAL ISSUES

The bill lacks clarity on funding mechanisms for DPS's training program, leaving uncertainty about whether additional appropriations will be required. Additionally, it does not specify disciplinary measures for employees who violate firearm policies outside of existing revocation procedures.

OTHER SUBSTANTIVE ISSUES

Confidentiality concerns present a significant legal and operational challenge. While the Inspection of Public Records Act (IPRA) generally promotes transparency, Section 29-19-6(B) NMSA 1978 explicitly exempts concealed carry applicant and licensee information from public disclosure unless ordered by a court. This means DPS, LERB, and CCU cannot release identifying information about school employees licensed to carry firearms, even upon public or media inquiry. While SB 256 requires data sharing with school districts, law enforcement, and DPS leadership, this must occur within the constraints of state law to prevent unauthorized disclosure of sensitive information. The bill must clarify how DPS will balance security concerns, public trust, and legal confidentiality requirements to ensure compliance with existing privacy protections while maintaining effective oversight of armed school personnel.

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.