

1 SENATE BILL 505  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY  
4 Joseph Cervantes  
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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; STRENGTHENING THE PRESUMPTION OF  
12 BAD FAITH FOR PEACE OFFICERS WHO FAIL TO COMPLY WITH THE  
13 POLICIES AND PROCEDURES OF THE USE OF BODY-WORN CAMERAS;  
14 AMENDING THE DEFINITION OF "LAW ENFORCEMENT AGENCY" TO INCLUDE  
15 POLICE DEPARTMENTS OF PUBLIC POST-SECONDARY EDUCATIONAL  
16 INSTITUTIONS.

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 29-1-18 NMSA 1978 (being Laws 2020  
20 (1st S.S.), Chapter 7, Section 1, as amended) is amended to  
21 read:

22 "29-1-18. REQUIRING CERTAIN LAW ENFORCEMENT AGENCIES TO  
23 USE BODY-WORN CAMERAS WHILE ON DUTY--EXCEPTIONS--ADOPTION OF  
24 POLICIES AND PROCEDURES GOVERNING USE.--

25 A. A law enforcement agency shall require peace

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1 officers the agency employs and who routinely interact with the  
2 public to wear a body-worn camera while on duty, except as  
3 provided in Subsection B of this section. Each law enforcement  
4 agency subject to the provisions of this section shall adopt  
5 policies and procedures governing the use of body-worn cameras,  
6 including:

7 (1) requiring activation of a body-worn camera  
8 whenever a peace officer is responding to a call for service or  
9 at the initiation of any other law enforcement or investigative  
10 encounter between a peace officer and a member of the public;

11 (2) prohibiting deactivation of a body-worn  
12 camera until the conclusion of a law enforcement or  
13 investigative encounter;

14 (3) requiring that any video recorded by a  
15 body-worn camera shall be retained by the law enforcement  
16 agency for not less than one hundred twenty days; and

17 (4) establishing disciplinary rules for peace  
18 officers who:

19 (a) fail to operate a body-worn camera  
20 in accordance with law enforcement agency policies;

21 (b) intentionally manipulate a body-worn  
22 camera recording; or

23 (c) prematurely erase a body-worn camera  
24 recording in violation of law enforcement agency policies.

25 B. The provisions of Subsection A of this section

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1 shall not apply when a peace officer:

2 (1) conducts an undercover operation  
3 sanctioned by a law enforcement agency; or

4 (2) conducts an explosive recovery and  
5 disposal operation to render safe or disassemble an explosive  
6 or incendiary device and materials.

7 C. Peace officers who fail to comply with the  
8 policies and procedures required to be adopted pursuant to  
9 Subsection A of this section [~~may~~] shall be presumed to have  
10 acted in bad faith and [~~may~~] shall be deemed liable for the  
11 independent tort of negligent spoliation of evidence or the  
12 independent tort of intentional spoliation of evidence.

13 D. As used in this section:

14 (1) "body-worn camera" means an electronic  
15 device worn on a person's body that records both audio and  
16 video data;

17 (2) "law enforcement agency" means the police  
18 department of a municipality, the sheriff's office of a county,  
19 the New Mexico state police, the police department of a public  
20 post-secondary educational institution or the department of  
21 public safety;

22 (3) "peace officer" means any full-time  
23 salaried or certified part-time salaried officer who by virtue  
24 of office or public employment is vested by law with the duty  
25 to maintain the public peace; and

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(4) "undercover operation" means an operation that:

(a) is conducted by one or more law enforcement agencies that is focused on a suspect or suspects who are the target of an ongoing criminal investigation;

(b) involves one or more covert operatives whose identities are concealed and kept confidential; and

(c) is designed to either obtain information about criminal activity of individuals or organizations through the development of ongoing relationships with individuals or organizations or to effect an arrest."