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FISCAL IMPACT REPORT

SPONSOR Lord/Block LAST UPDATED 03/03/2025
ORIGINAL DATE 02/28/2025
BILL
SHORT TITLE School Marshal Act NUMBER House Bill 485
ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS	No fiscal impact	\$207.8	\$185.7	\$393.5	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 473, Senate Bill 136, and Senate Bill 256

Sources of Information

LFC Files

Agency Analysis Received From

Regional Education Cooperatives (RECA)

Public School Insurance Authority (PSIA)

Department of Public Safety (DPS)

Department of Homeland Security and Emergency Management (DHSEM)

Public Education Department (PED)

SUMMARY

Synopsis of House Bill 485

House Bill 485 (HB485) would modify the Public School Act, Section 22 NMSA 1978, adding sections one to six as the “School Marshal Act” and amending other portions of statute in the remaining sections. In the definition section, “school marshal” is defined as a retired or former law enforcement officer who had been certified for at least three years, left law enforcement in good standing, and is employed by a school district.

Section 3 allows school districts to employ school marshals, who must meet the above characteristics and also be licensed to carry a concealed handgun. They could carry firearms if approved to do so by the school board and by the Public School Insurance Authority (NMPSIA) and would act only in lethal circumstances.

Section 4 tasks school boards with assuring the qualifications of prospective hires, notifying the Public Education Department (PED) of the hire, setting policies regarding the school marshal’s tasks and how and when they would carry a firearm and what type of firearm and ammunition

would be carried. The school board would determine training for the school marshal. The school marshal would not be eligible for educational pensions. Criteria for discharge of the school marshal are laid out.

Section 5 dictates that school marshal identifying information would be submitted to PED and NMPSIA, the law enforcement certification board, and all local, state, and federal law enforcement agencies in the school district.

Section 6 amends Section 22-10A-40 to include school marshals and those on contract with a school district as “school security personnel.”

Section 7 enacts a new section of the Law Enforcement Training Act, Section 29-7-4.3, specifying necessary aspects of the training for school marshals, to include the following:

- Basic law enforcement, including firearms training,
- Proper procedures for the possession and storage of a firearm,
- Specifics of school-based policing,
- Responding to emergency situations, and
- Education on relevant legal matters, including use of force in protecting others.

Section 8 amends Section 30-7-2.1 on unlawful carrying of a deadly weapon on school premises, adding school marshals and other law enforcement officers and others previously identified in the section of law as the only ones allowed to carry a firearm there.

The effective date of this bill is July 1, 2025.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 485. The Department of Public Safety (DPS) indicates its costs as follows:

Passage of this bill would have fiscal implications. The academy would be required to develop, implement, and administer a school security-specific curriculum to ensure school marshals receive appropriate training. Additionally, a certification process with ongoing compliance oversight would need to be established. The estimated costs include one (1) full-time Training and Development Specialist position to develop the curriculum and one (1) Compliance Officer for oversight, with an initial cost of \$207,800 in FY 2026 and a recurring annual cost of \$185,700 beginning in FY 2027.

Other agencies do not indicate a fiscal impact.

SIGNIFICANT ISSUES

Concerns over school shootings and other violence appears to be growing. DPS believes that the presence of seasoned former law enforcement personnel, hired by schools as school marshals, might be able to calm some of this concern. “Retired law enforcement officers, who have extensive training in responding to crises, would bring valuable experience in keeping students and staff safe in emergencies. They are already familiar with the use of force protocols and can act quickly in high-stress situations.”

DPS continues:

Many states across the U.S. have explored or implemented similar programs allowing trained and certified armed personnel in schools. These initiatives are often supported as a response to the increasing need for safety in educational environments, particularly as incidents of school violence and mass shootings have risen. This bill positions New Mexico alongside these efforts, aiming to provide effective solutions for school safety.

On the other hand, Department of Homeland Security and Emergency Management notes concerns “regarding the potential risks associated with arming school personnel, including issues of firearm safety, use-of-force protocols, and the potential for escalation during incidents.

PED notes similarities and differences between the provisions of HB485 and existing statutes:

HB485 would duplicate much of existing law and rule in the School Marshal Act but does not repeal existing provisions in law. Requirements regarding school marshals that differ from the current provisions for school security personnel are:

- A concealed handgun permit is required.
- School districts and charters report the school marshals’ names and identifying information to PED, NMPSIA, the Law Enforcement Certification Board, and applicable law enforcement agencies.
- School marshals may not simultaneously collect retirement from either the Educational Retirement Board or the Public Employees Retirement Association.

PED points out:

According to a June 2022 article in the *Texas Tribune*, in 2023 Texas implemented a school marshal program, to “reduce response times from minutes down to seconds.” However, only 84 of more than 1,200 districts had implemented the program. In the article, teachers cite the concern of having guns around students as a deterrent to implementing the program,” and that “having firearms on a school campus, can lead to accidental shootings, even in the hands of commissioned law enforcement officers such as SROs [school resource officers]. Giffords Law Center reports that over the last five years there have been nearly 100 publicly reported incidents of mishandled guns in schools, including an SRO who discharged his firearm accidentally in Picacho Middle School in Las Cruces.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to House Bill 473, which allows security guards to serve as school security personnel; Senate Bill 136, which would provide \$5 million for school security projects; and to Senate Bill 256, which would allow public or private school employees with a handgun license to carry a handgun on school grounds after receiving DPS training and a mental health evaluation.

TECHNICAL ISSUES

The definition of “school marshal” indicates that the person is “employed by a school district,” apparently leaving out such persons employed by charter schools.

DPS points out that:

A determination will need to be made about whether these employees will be expected to become certified police officers or will only be school security. If it is determined they will be required to have a level of certification other than police certification, this will need to be defined through the legislation. Then those changes would need to be incorporated into the New Mexico Administrative Code under a new section addressing security in schools.

ALTERNATIVES

PED suggests, “The sponsor may consider amending Section 22-10A-40 NMSA 1978 of the School Personnel Act to accomplish the same purpose of HB485.”

LAC/hj/SL2