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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Senate Judiciary Committee</u>	<b>LAST UPDATED</b> <u>3/2/25</u>	<b>ORIGINAL DATE</b> <u>2/23/25</u>
<b>SHORT TITLE</b> <u>Law Enforcement Use of Body Cameras</u>	<b>BILL NUMBER</b> <u>CS/Senate Bill 505/SJCS</u>	<b>ANALYST</b> <u>Sanchez</u>

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

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Higher Ed Institution Police Departments	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Department of Public Safety	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Total	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
 Administrative Office of the Courts (AOC)  
 Department of Public Safety (DPS)  
 Higher Education Department (HED)  
 Office of the Attorney General (NMAG)

Agency Analysis was Solicited but Not Received From  
 Administrative Office of the District Attorneys (AODA)  
 Department of Finance and Administration (DFA)

Because of the short timeframe between the adoption of the amendment to this bill and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

## SUMMARY

### Synopsis of SJC Substitute for Senate Bill 505

The Senate Judiciary Committee substitute for Senate Bill 505 proposes amendments to Section 29-1-18 NMSA 1978 regarding the use of body-worn cameras by law enforcement officers. The bill modifies existing statute to establish a presumption of bad faith when a peace officer knowingly or intentionally fails to comply with policies and procedures governing body-worn camera usage. It also expands the definition of "law enforcement agency" under the statute to

include police departments operated by public postsecondary educational institutions. If enacted, these changes would extend the statutory requirements for body-worn cameras to campus law enforcement agencies, aligning them with municipal, county, and state law enforcement entities.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPLICATIONS**

SB505 does not contain an appropriation and does not directly impact state revenue. However, the proposed amendments to Section 29-1-18 NMSA 1978 could have fiscal implications related to litigation and legal defense costs for law enforcement agencies. By strengthening the presumption of bad faith when a peace officer fails to comply with body-worn camera policies, the bill may lead to an increase in tort claims against law enforcement officers and the Department of Public Safety (DPS). The shift from a discretionary to a mandatory presumption of liability could result in additional legal proceedings, which may require increased resources for legal defense and risk management.

The Administrative Office of the Courts (AOC) does not anticipate a direct fiscal or administrative impact on the judiciary at this time. However, potential increases in litigation could have downstream effects on court caseloads.

Additionally, the bill expands the definition of “law enforcement agency” to include police departments of public postsecondary educational institutions. This change may require these entities to allocate resources for body-worn camera compliance, policy development, and administrative oversight. The Office of the Attorney General (NMAG) notes that some campus police departments may not currently have body-worn cameras and could face costs associated with purchasing equipment and implementing necessary policies. Smaller institutions with limited budgets may experience a greater financial impact.

## **SIGNIFICANT ISSUES**

SB505 modifies the statutory framework governing body-worn cameras by revising the legal standard applied when a peace officer fails to comply with established policies. The bill changes the language in Section 29-1-18 NMSA 1978 to create a mandatory presumption of bad faith rather than a discretionary one. This revision could affect how courts interpret officer compliance with body-worn camera policies and may influence administrative and disciplinary proceedings within law enforcement agencies.

The bill also expands the statutory definition of “law enforcement agency” to include police departments of public postsecondary educational institutions. This change would align campus law enforcement with municipal, county, and state agencies regarding body-worn camera requirements. Institutions may need to assess their existing policies and training programs to ensure alignment with statutory obligations.

NMAG’s analysis highlights that creating an automatic presumption of bad faith could increase exposure to civil litigation for law enforcement officers and agencies. The provision does not distinguish between intentional misconduct and cases where noncompliance results from equipment malfunctions or human error. This could have broader implications for officer

liability and may impact recruitment and retention in law enforcement due to concerns about legal exposure.

Additionally, law enforcement agencies may need to update internal procedures to reflect the revised legal standard for body-worn camera use. The change could also affect how agencies approach officer training, evidence management, and administrative review processes in cases where footage is unavailable or policies are not followed. The extent of these impacts will likely depend on agency-specific policies and operational considerations.

The Higher Education Department notes that campus law enforcement agencies will need to ensure officer training and compliance with body-worn camera requirements if the bill is enacted.

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