

1 SENATE BILL 364

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Cindy Nava and Javier Martínez and Craig W. Brandt
5 and Michael Padilla and Joseph Cervantes
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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; AMENDING QUALIFICATIONS FOR THE
12 APPOINTMENT OF LAW ENFORCEMENT OFFICERS TO INCLUDE
13 AUTHORIZATION TO WORK BY THE UNITED STATES CITIZENSHIP AND
14 IMMIGRATION SERVICES.
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 29-1-9 NMSA 1978 (being Laws 1891,
18 Chapter 60, Section 1 and Laws 1891, Chapter 60, Section 2, as
19 amended) is amended to read:

20 "29-1-9. APPOINTMENT OF PEACE OFFICERS--CITIZENSHIP
21 CERTIFICATE OF APPOINTMENT--EXCEPTIONS.--

22 A. No sheriff of a county, mayor of a city or other
23 person authorized by law to appoint special deputy sheriffs,
24 marshals, [~~police~~men] police officers or other peace officers
25 in the state of New Mexico to preserve the public peace and to

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1 prevent and quell public disturbances shall appoint as such
2 special deputy sheriff, marshal, [~~police man~~] police officer or
3 other peace officer any person who [~~shall~~] is not [~~be~~] a
4 citizen of the United States of America or has not been
5 authorized to work by the United States citizenship and
6 immigration services.

7 B. No person shall assume or exercise the
8 functions, powers, duties and privileges incident and belonging
9 to the office of special deputy sheriff, marshal, [~~police man~~]
10 police officer or other peace officer without first having
11 received an appointment in writing from a person authorized by
12 law to appoint special deputy sheriffs, marshals, [~~police men~~]
13 police officers or other peace officers; provided that nothing
14 in this section shall apply to lawfully appointed United States
15 marshals or to deputies of those marshals or to railroad peace
16 officers appointed pursuant to Section 63-2-18 NMSA 1978 in the
17 performance of their duties as peace officers.

18 C. This section shall not apply in times of riot or
19 unusual disturbance and when so declared by the public
20 proclamation of the governor of the state."

21 **SECTION 2.** Section 29-2-6 NMSA 1978 (being Laws 1941,
22 Chapter 147, Section 6, as amended) is amended to read:

23 "29-2-6. QUALIFICATIONS OF MEMBERS.--

24 A. Members of the New Mexico state police, except
25 the chief, shall:

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1 (1) at the time of their appointment, be
2 citizens of the United States or be authorized to work by the
3 United States citizenship and immigration services;

4 (2) at the time of their appointment, have
5 reached twenty-one years of age;

6 (3) except as otherwise provided in Subsection
7 B of this section, at the time of their appointment, have
8 completed at least sixty hours of college credit or have had
9 two years of military or law enforcement service. This
10 requirement shall not apply to officers who are certified and
11 commissioned as of June 30, 2015 in the former motor
12 transportation division or the former special investigations
13 division;

14 (4) be of good moral character and not have
15 been convicted of a felony or infamous crime in the courts of
16 this state or other state or any country or in the federal
17 courts; and

18 (5) pass a physical examination that the New
19 Mexico state police may require.

20 B. Notwithstanding the requirement of Paragraph (3)
21 of Subsection A of this section, the chief may appoint a member
22 of the New Mexico state police who has at least thirty hours of
23 college credit, and the chief shall determine an appropriate
24 time period after appointment for the member to complete the
25 additional thirty hours of college credit required. This

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1 provision shall not apply to officers who are certified and
2 commissioned as of June 30, 2015 in the former motor
3 transportation division or the former special investigations
4 division."

5 SECTION 3. Section 29-7-6 NMSA 1978 (being Laws 1993,
6 Chapter 255, Section 6) is amended to read:

7 "29-7-6. QUALIFICATIONS FOR CERTIFICATION.--

8 A. An applicant for certification shall provide
9 evidence satisfactory to the board that ~~[he]~~ the applicant:

10 (1) is a citizen of the United States or has
11 been authorized to work by the United States citizenship and
12 immigration services and has reached the age of majority;

13 (2) holds a high school diploma or the
14 equivalent;

15 (3) holds a valid driver's license;

16 (4) has not been convicted of or pled guilty
17 to or entered a plea of nolo contendere to any felony charge
18 or, within the three-year period immediately preceding ~~[his]~~
19 the application, to any violation of any federal or state law
20 or local ordinance relating to aggravated assault, theft,
21 driving while intoxicated, controlled substances or other crime
22 involving moral turpitude and has not been released or
23 discharged under dishonorable conditions from any of the armed
24 forces of the United States;

25 (5) after examination by a licensed physician,

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1 is free of any physical condition that might adversely affect
2 ~~[his]~~ the applicant's performance as a police officer or
3 prohibit ~~[him]~~ the applicant from successfully completing a
4 prescribed basic law enforcement training required by the Law
5 Enforcement Training Act;

6 (6) after examination by a certified
7 psychologist, is free of any emotional or mental condition that
8 might adversely affect ~~[his]~~ performance as a police officer or
9 prohibit ~~[him]~~ the applicant from successfully completing a
10 prescribed basic law enforcement training required by the Law
11 Enforcement Training Act;

12 (7) is of good moral character;

13 (8) has met any other requirements for
14 certification prescribed by the board pursuant to regulations
15 adopted by the board; and

16 (9) has previously been awarded a certificate
17 of completion by the director attesting to the applicant's
18 completion of an approved law enforcement training program.

19 B. A person employed as a police officer by any law
20 enforcement agency in this state shall forfeit ~~[his]~~ the
21 person's position unless, no later than twelve months after
22 beginning ~~[his]~~ employment as a police officer, the person
23 satisfies the qualifications for certification set forth in
24 Subsection A of this section and is awarded a certificate
25 attesting to that fact."

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