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SENATE BILL 438

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

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO PUBLIC EMPLOYEE PENSIONS; PROVIDING AN EQUAL
CALCULATION OF THE CREDITED SERVICE ACCRUED FOR ALL STATE
POLICE MEMBERS COVERED UNDER STATE PUBLIC SAFETY MEMBER
COVERAGE PLAN 1.

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

SECTION 1. Section 10-11-27 NMSA 1978 (being Laws 1987,
Chapter 253, Section 27, as amended) is amended to read:

"10-11-27. STATE PUBLIC SAFETY MEMBER COVERAGE PLAN 1--
APPLICABILITY--CREDITED SERVICE.--

A. State public safety member coverage plan 1 is
applicable to:

(1) state police members who are not
specifically covered by another coverage plan;

(2) adult correctional officer members;

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1 (3) adult probation and parole officer
2 members;

3 (4) juvenile probation and parole officer
4 members; and

5 (5) state fire members.

6 B. The credited service of a state police member
7 ~~[who was a retired member or a member on or before June 30,~~
8 ~~2013 or]~~ shall have actual credited service increased by twenty
9 percent for the purposes of state public safety member coverage
10 plan 1.

11 C. The credited service of an adult correctional
12 officer member shall have actual credited service increased by
13 twenty percent for the purposes of state public safety member
14 coverage plan 1.

15 ~~[G.]~~ D. The credited service, accrued after July 1,
16 2021, of an adult probation and parole officer or a juvenile
17 probation and parole officer shall be increased by twenty
18 percent for the purposes of state public safety member coverage
19 plan 1.

20 ~~[D.]~~ E. The credited service, accrued after July 1,
21 2024, of a state fire member shall be increased by twenty
22 percent for the purposes of state public safety member coverage
23 plan 1.

24 ~~[E.]~~ F. The increase of twenty percent to accrued
25 credited service provided by Subsections C through E of this
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1 section shall only apply to a state public safety member who
2 was a retired member or a member on or before June 30, 2013.

3 ~~[F.]~~ G. Except as provided in Subsections B through
4 ~~[E]~~ F of this section, the credited service of a member covered
5 under state public safety member coverage plan 1 shall be
6 credited as provided in Section 10-11-4 NMSA 1978.

7 ~~[G.]~~ H. State public safety member coverage plan 1
8 is applicable to adult probation and parole officer members and
9 juvenile probation and parole officer members in the first full
10 pay period after July 1, 2021 if the retirement board certifies
11 to the secretary of state that, of those adult probation and
12 parole officer members and juvenile probation and parole
13 officer members to be covered under state public safety member
14 coverage plan 1, a majority of the respective members voting
15 have voted to approve adoption of that plan at an election
16 conducted pursuant to Laws 2020, Chapter 11, Sections 63
17 through 66.

18 ~~[H.]~~ I. State public safety member coverage plan 1
19 is applicable in the first full pay period after July 1, 2024
20 for:

21 (1) state fire members who begin employment as
22 a state fire member on or after July 1, 2024; and

23 (2) state fire members who were employed in a
24 position and were subject to the definition of a "state fire
25 member" prior to July 1, 2024, if the retirement board

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1 certifies to the secretary of state that, of those state fire
2 members to be covered under state public safety member coverage
3 plan 1, a majority of the respective members voting have voted
4 to approve the adoption of that plan at an election conducted
5 pursuant to [~~Section 8 of this 2024 act~~] Laws 2024, Chapter 52,
6 Section 8."

7 SECTION 2. Section 10-11-28 NMSA 1978 (being Laws 1987,
8 Chapter 253, Section 28, as amended) is amended to read:

9 "10-11-28. STATE PUBLIC SAFETY MEMBER COVERAGE PLAN 1--
10 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
11 state public safety member coverage plan 1:

12 A. for [a] an adult correctional officer member, an
13 adult probation and parole officer member, a juvenile probation
14 and parolee officer member or a state fire member who was a
15 retired member or a member on June 30, 2013, the age and
16 service requirements for normal retirement are:

17 (1) age sixty-five years or older and five or
18 more years of credited service;

19 (2) age sixty-four years and eight or more
20 years of credited service;

21 (3) age sixty-three years and eleven or more
22 years of credited service;

23 (4) age sixty-two years and fourteen or more
24 years of credited service;

25 (5) age sixty-one years and seventeen or more

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1 years of credited service;

2 (6) age sixty years and twenty or more years
3 of credited service; or

4 (7) any age and twenty-five or more years of
5 credited service; ~~and~~

6 B. for ~~[a]~~ an adult correctional officer member, an
7 adult probation and parole officer member, a juvenile probation
8 and parolee officer member or a state fire member who was not a
9 retired member or a member on June 30, 2013, the age and
10 service requirements for normal retirement are:

11 (1) age sixty years or older and five or more
12 years of service credit; or

13 (2) any age and twenty-five or more years of
14 service credit; and

15 C. for a state police member who is not
16 specifically covered by another coverage plan, the age and
17 service requirements for normal retirement are:

18 (1) age sixty years or older and five or more
19 years of service credit; or

20 (2) any age and twenty-five or more years of
21 service credit."

22 SECTION 3. APPLICABILITY.--For a state police member who
23 became a member on or after July 1, 2013, any credited service
24 performed or amount of pension earned prior to the effective
25 date of this act shall not be adjusted to conform to the

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1 provisions of Section 1 of this act.

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