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FISCAL IMPACT REPORT

SPONSOR <u>Brown</u>	LAST UPDATED <u>03/19/2025</u>
	ORIGINAL DATE <u>02/27/2025</u>
SHORT TITLE <u>School Security Personnel</u>	BILL NUMBER <u>House Bill 473</u>
	ANALYST <u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

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

Related to House Bill 485, Senate Bill 136, and Senate Bill 256.

Sources of Information

LFC Files

Agency Analysis Received From

- Regional Education Cooperatives (RECA)
- Regulation and Licensing Department (RLD)
- Department of Public Safety (DPS)
- Department of Homeland Security and Emergency Management (DHSEM)
- Public School Insurance Authority (PSIA)
- Public Education Department (PED)

Agency Analysis was Solicited but Not Received From

- Albuquerque Public Schools (APS)

SUMMARY

Synopsis of House Bill 473

House Bill 473 (HB473) amends the School Personnel Act, Sections 22-10A-1 to 40.1 NMSA 1978 and the Private Investigations Act, Sections 61-27B-1 to -36, NMSA 1978 to allow level 1 and level 2 security guards to serve as assistant school security personnel, a new classification under the School Personnel Act and level 3 security guards to serve as school security personnel. Requirements for their being hired into these positions are specified.

Section 1 of the bill amends Section 22-10A-40 NMSA 1978, "School Personnel. It adds the definition of assistant school security personnel as level 1 or 2 security guards licensed through the Private Investigators Act, employed by a school district to add security, and not authorized to

carry a gun. The definition of “school security personnel,” which previously included previously certified law enforcement orders, adds former commissioned peace officers and level three security guards, registered through the Private Investigators Act, and these would be empowered to carry a firearm.

Section 2 of the bill modifies Section 61-27B-16, adding a hiring school district or charter school to those who would be notified within thirty days of termination of employment of a level one security guard. Section 3 makes the same requirement of level two security guards, and Section 4, of level three security guards.

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

There is no appropriation in House Bill 473. The Regulation and Licensing Department (RLD) believes it would be able to absorb the costs of making rules for implementing this bill and training social security aides. The Department of Public Safety (DPS) indicates an unspecified cost of handling rule making and assurance of compliance with federal regulations.

SIGNIFICANT ISSUES

DPS notes further steps that would have to be taken before this bill, if passed, could take effect:

Once these changes have been made, NMSA 1978, Sections 22-10A-2 through 5 and NMSA 1978, Chapter 61, Article 27B must be resubmitted to the Department of Public Safety (DPS) for review. Following this, the CJIS CSO’s Office will take all necessary steps to secure a final review from the FBI’s Office of the General Counsel (OGC) Criminal Justice Information Law Unit (CJILU). It is important to note that this approval process may take over three months. The FBI will make the final determination on whether the bill meets the requirements of Public Law 92-544 and Title 28 of the Code of Federal Regulations (28 CFR). If the bill is approved, our office will obtain the necessary authority to modify or create a new Originating Agency Identifier (ORI). Additionally, we will file all required documentation to establish or update the Reason for Fingerprinting (RFP) in the DPS fingerprinting vendor upon receiving CJILU’s final approval.”

The New Mexico Public School Insurance Authority expresses concern that an employing school district or charter school is not given guidance about level one or two personnel carrying “non-lethal” weapons, such as tasers, mace, or handcuffs.

RLD’s Private Investigations Advisory Board supports HB473, understanding that it is difficult to find qualified security personnel for school districts across New Mexico, and especially in rural areas. The Public Education Department (PED) also notes that the bill would be likely to increase available personnel for school security at all levels of education.

PED also states that there is mixed evidence of the efficacy of school security in preventing school violence:

A 2015 study using data from two large national surveys found that increased visible

security measures, i.e., security cameras, metal detectors, and security personnel had little impact on academic outcomes with some of the heavier surveillance measures trending toward negative effects. Alternatively, another 2015 study from the Journal of Youth and Adolescence found that police officers’ regular presence at schools increases the likelihood that students are referred to law enforcement for low-level offenses. However, a 2023 article from Criminology and Public Policy found that, in contrast to police officers, alternative security professionals such as security guards were less likely to refer students to law enforcement for minor infractions.”

PED also states that it reviews each school’s safety plan every three years.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to House Bill 485, School Marshall Act; Senate Bill 136, Firearm Detection Software Fund; and to Senate Bill 256, School Teachers On-Site Protection Act.

AMENDMENTS

RLD and its Private Investigations Advisory Board recommend the following changes:

- That the effective date of this legislation be moved from June 20, 2025, to January 1, 2026, to allow more time to implement the new school security personnel training program and change the administrative rules.
- That level 3 security guards be added to the definition of “assistant security personnel” on Page 2, Section, 1, Subsection A., lines 4-8.
- That level 3 security guards be removed from the definition of “security personnel” and replaced with “private patrol officer” on Page 3, Section, 1, Subsection A., lines 2-8.
- That the language on Page 11, Section 4, Subsection B. Line 14 be amended to read: “enforcement academy or the national rifle association law enforcement training division” to clarify the firearm certification requirement.