

## ARTICLE 7 Law Enforcement Training

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## 29-7-3. New Mexico law enforcement academy board.

A. There is created the "New Mexico law enforcement academy board".

B. The academy shall be controlled and supervised by policy set by the board. The board shall be composed of the attorney general, who shall serve automatically by reason of office and serve as chair of the board, and eight members who are qualified electors to be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment.

C. Appointments to the board shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year. At all times, the board shall have represented on it, as members, one municipal police chief, one sheriff, one state police officer, one attorney who is currently employed in a district attorney's office, one certified police chief of a New Mexico Indian tribe or pueblo, one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members, neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.

D. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act [[10-8-1](#) to [10-8-8](#) NMSA 1978].

**History:** 1978 Comp., § 29-7-3, enacted by Laws 1979, ch. 202, § 42; 1983, ch. 121, § 1; 1993, ch. 250, § 1; 1993, ch. 255, § 2; 1994, ch. 39, § 1; 2015, ch. 3, § 22.

## ANNOTATIONS

**Repeals and reenactments.** — Laws 1977, ch. 257, § 51 repealed a former 39-6-3, 1953 Comp., relating to the academy board, and enacted a new 39-6-3, 1953 Comp. (29-7-3 NMSA 1978).

Laws 1979, ch. 202, § 42 repealed former 29-7-3 NMSA 1978, relating to the control and management of the law enforcement academy, and enacted a new 29-7-3 NMSA 1978.

**The 2015 amendment**, effective July 1, 2015, provided for the reorganization of the department of public safety by amending the qualifications for the composition of the New Mexico law enforcement academy board; in Subsection B, after "reason of", deleted "his", after "serve as", deleted "chairman" and added "chair", and after "of the board, and", deleted "six" and added "eight"; in Subsection C, deleted "On or before July 1, 1994, the governor shall increase the number of members on the board to eight by appointing two additional members. The seventh member of the board shall be a citizen at-large member whose term shall end on July 1, 1996. The eighth member of the board shall be a police officer who is a New Mexico certified police officer, holding the rank of sergeant or below at the time of his appointment, and whose term shall end on July 1, 1996 or sooner if he retires or is deactivated from duty for longer than thirty days.", after "police officer, one", deleted "district", after "attorney", added "who is currently employed in a district attorney's office", and after "citizen-at-large members", added the remainder of the sentence.

**The 1994 amendment**, effective May 18, 1994, deleted "not later than July 1, 1983" following "governor" in the second sentence in Subsection B; and, in Subsection C, substituted the first three sentences for the former first three sentences, relating to appointment of the first board members, and substituted "Appointments to the board" for "Thereafter, all appointments" in the fourth sentence and "one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members" for "and one citizen-at-large member" in the next-to-last sentence.

**The 1993 amendment**, effective July 1, 1993, substituted "academy" for "New Mexico law enforcement academy" in the first sentence of Subsection B.

### **29-7-3. New Mexico law enforcement standards and training council. (Effective July 1, 2023.)**

- A. *There is created the "New Mexico law enforcement standards and training council".*
- B. *The council shall develop and adopt basic training and in-service training standards for police officers and telecommunicators in New Mexico.*
- C. *The council shall consist of the director of the New Mexico law enforcement academy and the directors of all the satellite law enforcement academies, who shall serve automatically by reason of their position. The remaining seven members of the council shall be appointed by the governor and confirmed by the senate. An appointed council member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment. The members appointed by the governor shall consist of one attorney who is currently employed in a district attorney's office; one attorney who is currently employed*

*by the public defender department; one certified police chief of a New Mexico Indian nation, tribe or pueblo; two members who have experience and specialize in providing adult education; and two citizen-at-large members, one of whom shall have experience as a behavioral health provider and neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.*

*D. Appointments to the council shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year.*

*E. Members of the council shall receive, for their service as members of the council, per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].*

**History:** 1978 Comp., § 29-7-3, enacted by Laws 1979, ch. 202, § 42; 1983, ch. 121, § 1; 1993, ch. 250, § 1; 1993, ch. 255, § 2; 1994, ch. 39, § 1; 2015, ch. 3, § 22; 2003, ch. 260, § 5; 2022, ch. 56, § 4.

### ANNOTATIONS

*The 2022 amendment, effective July 1, 2023, revised duties and responsibilities of the council, and revised the qualifications and terms for membership in the council; in the section heading, deleted "academy board" and added "standards and training council"; in Subsection A, after "New Mexico law enforcement", deleted "academy board" and added "standards and training council"; deleted former Subsection B, added new Subsections B and C and redesignated former Subsections C and D as Subsections D and E, respectively; in Subsection D, after "Appointments to the", deleted "board" and added "council", and deleted "At all times, the board shall have represented on it, as members, one municipal police chief, one sheriff, one state police officer, one attorney who is currently employed in a district attorney's office, one certified police chief of a New Mexico Indian tribe or pueblo, one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members, neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term."; and in Subsection E, substituted each occurrence of "board" with "council".*

#### 29-7-4. Powers and duties of board.

The board shall:

A. approve or disapprove the appointment of the director by the secretary;

B. develop and implement a planned program of:

(1) basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act [29-7C-1 to 29-7C-9 NMSA 1978], a portion of which may be conducted on a regional basis;

C. prescribe qualifications for instructors and prescribe courses of instruction for:

(1) basic law enforcement training and in-service law enforcement training; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act;

D. report annually to the governor;

E. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy;

F. adopt, publish and file, in accordance with the provisions of the State Rules Act [Chapter 14, Article 4 NMSA 1978], all regulations and rules concerning the operation of the academy and the implementation and enforcement of the provisions of the Law Enforcement Training Act and the Public Safety Telecommunicator Training Act;

G. issue, grant, deny, renew, suspend or revoke a:

(1) peace officer's certification for any cause set forth in the provisions of the Law Enforcement Training Act; and

(2) telecommunicator's certification for any just cause set forth in the Public Safety Telecommunicator Training Act;

H. administer oaths, subpoena persons and take testimony on any matter within the board's jurisdiction; and

I. perform all other acts appropriate to the development and operation of the academy.

**History:** 1953 Comp., § 39-6-6, enacted by Laws 1969, ch. 264, § 6; 1970, ch. 48, § 4; 1977, ch. 257, § 52; 1979, ch. 202, § 43; 1981, ch. 114, § 3; 1987, ch. 254, § 20; 1993, ch. 255, § 3; 2003, ch. 320, § 1.

## ANNOTATIONS

**The 2003 amendment**, effective July 1, 2003, in Subsection A deleted "of the academy" following "of the director" and deleted "of public safety" following "by the secretary"; rewrote former Subsection B to create present Subsection B and Paragraph B(1); added Subsection B(2); rewrote former Subsection C to create present Subsection C and Paragraph C(1); added Subsection C(2); inserted "and the Public Safety Telecommunicator Training Act" following "Law Enforcement Training Act" near the end of Subsection F; rewrote former Subsection G to create present Subsection G and Paragraph G(1); added Subsection G(2); and inserted "subpoena persons" following "administer oaths," in Subsection H.

**The 1993 amendment**, effective July 1, 1993, deleted former Subsection F, which read "promulgate rules concerning the operation of the academy; and"; added present Subsections F, G, and H; and redesignated former Subsection G as present Subsection I.

**Board is authorized to set qualifications for instructors at the academy.** 1982 Op. Att'y Gen. No. 82-10.

**Qualifications for instructors at facilities independent of academy.** — Police officers may receive basic law enforcement training at a facility which offers a program which is comparable to or exceeds

the standards of the programs of the law enforcement academy. If such comparable programs are offered by a regional training facility certified by the director of the academy with the approval of the board, the board has the authority to prescribe qualifications for instructors. However, if such comparable programs are offered by facilities which are established independently of the law enforcement academy, the board cannot have given that authority. 1982 Op. Att'y Gen. No. 82-10.

### **29-7-4. Powers and duties of council. (Effective July 1, 2023.)**

*The council shall:*

*A. develop a planned program, to be implemented by the director, of:*

*(1) basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis; and*

*(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act [29-7C-1 to 29-7C-9 NMSA 1978], a portion of which may be conducted on a regional basis;*

*B. prescribe qualifications for instructors and prescribe courses of instruction for:*

*(1) basic law enforcement training and in-service law enforcement training; and*

*(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act;*

*C. report annually to the governor;*

*D. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy; and*

*E. adopt, publish and file, in accordance with the provisions of the State Rules Act [Chapter 14, Article 4 NMSA 1978], all rules concerning the implementation and enforcement of Sections 29-7-2 through 29-7-7.7, 29-7-12, 29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA 1978.*

**History:** 1953 Comp., § 39-6-6, enacted by Laws 1969, ch. 264, § 6; 1970, ch. 48, § 4; 1977, ch. 257, § 52; 1979, ch. 202, § 43; 1981, ch. 114, § 3; 1987, ch. 254, § 20; 1993, ch. 255, § 3; 2003, ch. 320, § 1; 2022, ch. 56, § 5.

#### **29-7-4.1. Domestic abuse incident training.**

Domestic abuse incident training that includes information on strangulation shall be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training shall be included as a component of in-service training each year for certified police officers.

**History:** Laws 2002, ch. 34, § 3; 2002, ch. 35, § 3; 2018, ch. 37, § 1.

## **29-7-4.2. Child abuse incident training.**

Child abuse incident training shall be included in the curriculum of each basic law enforcement training class. Child abuse incident training shall be included as a component of in-service training each year for certified police officers.

**History:** [Laws 2011, ch. 49, § 1.](#)

## **29-7-4.3. Law enforcement certification board; appointment; powers and duties. (Effective July 1, 2023.)**

*A. The "law enforcement certification board" is established and administratively attached to the department of public safety as an independent board in accordance with the Executive Reorganization Act [9-1-1 to 9-1-10 NMSA 1978]. The board consists of nine members appointed by the governor with the advice and consent of the senate. No more than five members of the board shall be members of the same political party. The members of the board shall be appointed for five-year terms. Two of the initial board members shall be appointed for one-year terms; two of the initial board members shall be appointed for two-year terms; two of the initial board members shall be appointed for three-year terms; two of the initial board members shall be appointed for four-year terms; and one of the initial board members shall be appointed for a five-year term.*

*B. The board shall include the following members:*

- (1) a retired judge, who shall serve as chair of the board;*
- (2) a municipal peace officer;*
- (3) a sheriff;*
- (4) a tribal law peace officer;*
- (5) an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights or who represents criminal defendants;*
- (6) an attorney in private practice who represents public entities in civil rights claims; and*
- (7) an attorney who is employed by the public defender department.*

*C. The board shall:*

- (1) deny, suspend or revoke:*
  - (a) a peace officer's certification for just cause as provided in the Law Enforcement Training Act; and*

*(b) a telecommunicator's certification for just cause as provided in the Public Safety Telecommunicator Training Act [29-7C-1 to 29-7C-9 NMSA 1978; and*

*(2) conduct investigations, administer oaths and subpoena persons as necessary to make determination regarding fitness of a law enforcement officer to execute a law enforcement officer's duties.*

*D. The board may require by subpoena the attendance of witnesses or the production of records and other evidence relevant to an investigation and shall have such other powers and duties and administer or enforce such other acts as further provided by law.*

*E. The board shall appoint a chief executive officer to assist the board in carrying out its functions. The chief executive officer shall employ persons as necessary to assist the board in carrying out its functions.*

*F. The board shall adopt, publish and file, in accordance with the provisions of the State Rules Act [Chapter 14, Article 4 NMSA 1978], all rules concerning the implementation and enforcement of the Law Enforcement Training Act and Public Safety Telecommunicator Training Act except those sections enumerated in Subsection E of Section 29-7-4 NMSA 1978 for which rules shall be adopted, published and filed by the council.*

*G. The board shall issue or renew a certification to:*

*(1) graduates from an approved basic law enforcement training program who satisfy the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or*

*(2) graduates from an approved basic telecommunicator training program who satisfy the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act.*

*H. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].*

**History:** 1978 Comp., § 29-7-4.3, enacted by **Laws 2022, ch. 56, § 13.**

#### **29-7-4.4. Law enforcement officer training. (Effective July 1, 2023.)**

*The curriculum of each basic law enforcement training class and in-service training each year for certified police officers shall include:*

- A. crisis management and intervention;*
- B. dealing with individuals who are experiencing mental health issues;*
- C. methods of de-escalation;*
- D. peer-to-peer intervention;*
- E. stress management;*

*F. racial sensitivity;*

*G. reality-based situational training; and*

*H. use of force training that includes the elimination of vascular neck restraints.*

**History:** 1978 Comp., § 29-7-4.4, enacted by [Laws 2022, ch. 56, § 6](#).

### **29-7-6.1. County sheriffs; training requirement.**

A. Every county sheriff, except sheriffs who have previously been awarded a certificate attesting to completion of a basic law enforcement training program, shall participate in and complete an administrative law enforcement training program no later than twelve months after the date the sheriff assumes office as a county sheriff.

B. The director shall establish the administrative law enforcement training program for county sheriffs, subject to review and approval by the executive committee of the sheriff's affiliate of the New Mexico association of counties.

C. A county sheriff's per diem, mileage and tuition expenses attributed to attendance at the administrative law enforcement training shall be paid for by the governing body of the county served by that sheriff.

**History:** 1978 Comp., § 29-7-6.1, enacted by [Laws 1993, ch. 255, § 7](#); [2015, ch. 3, § 24](#).

### **ANNOTATIONS**

**The 2015 amendment**, effective July 1, 2015, provided for the reorganization of the department of public safety by amending language relating to training requirements for county sheriffs; in Subsection A, after "date", deleted "he" and added "the sheriff"; and in Subsection B, after "director", deleted "of the training and recruiting division of the department of public safety".

### **29-7-7.1. In-service law enforcement training; requirements; eligibility.**

A. In-service law enforcement training consists of at least forty hours of academic instruction, approved by the board, for each certified police officer during each twenty-four month period of employment or service with a political subdivision. The first training course shall commence no later than twelve months after graduation from an approved basic law enforcement training program.

B. All certified police officers who are eligible for in-service training shall, during each twenty-four month period of employment, complete a minimum of forty hours of in-service law enforcement training in courses approved by the board. All certified police officers shall provide proof of completing in-service law enforcement training requirements to the director no later than March 1 of the year in which the requirements must be met. The director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. Failure to complete in-service law



enforcement training requirements may be grounds for suspension of a certified police officer's certification. A police officer's certification may be reinstated by the board when the police officer presents the board with evidence of satisfying in-service law enforcement training requirements.

**History:** 1978 Comp., § 29-7-7.1, enacted by Laws 1981, ch. 114, § 7; 1993, ch. 255, § 9.

### **29-7-7.3. Ensuring child safety upon arrest; training.**

Training for ensuring child safety upon the arrest of a parent or guardian shall be included in the curriculum of each basic law enforcement training class and as a component of in-service training each year for certified police officers.

**History:** Laws 2007, ch. 89, § 1.

### **29-7-7.4. Missing person and AMBER alert training.**

A minimum of four hours of combined missing person and AMBER alert training shall be included in the curriculum of each basic law enforcement training class. Missing person and AMBER alert training shall be included as a component of in-service training each year for certified police officers.

**History:** Laws 2010, ch. 33, § 1.

### **29-7-7.5. Interaction with persons with mental impairments; training.**

A. A minimum of forty hours of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, shall be included in the curriculum of each basic law enforcement training class.

B. A minimum of two hours of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, shall be included as a component of in-service law enforcement training pursuant to Section 29-7-7.1 NMSA 1978.

C. A pre-recorded course on crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, shall not satisfy the requirements of the basic law enforcement training class required pursuant to Subsection A of this section.

D. As used in this section, "mental impairment" includes a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism, youth in crisis and traumatic brain injury.

**History:** Laws 2011, ch. 180, § 1.