

AN ACT

RELATING TO LAW ENFORCEMENT OFFICERS; ELIMINATING THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS BE CITIZENS OF THE STATE OF NEW MEXICO; REQUIRING THAT LAW ENFORCEMENT OFFICERS BE CITIZENS OF THE UNITED STATES; DECLARING AN EMERGENCY.

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

Section 1. Section 4-41-10 NMSA 1978 (being Laws 1891, Chapter 63, Section 4, as amended) is amended to read:

"4-41-10. RIGHT TO CARRY ARMS--DEPUTIES--APPOINTMENT.--
All sheriffs shall at all times be considered as in the discharge of their duties and be allowed to carry arms on their persons. On the appointment of any regular or permanent deputy sheriff, it shall be the duty of the sheriff to file one notice of the appointment in the office of the county clerk of the sheriff's county and one notice of the appointment in the office of the clerk of the district court of that county, and each of the sheriff's deputies shall file an oath of office in the office of the county clerk. Any sheriff is hereby authorized at any time to appoint respectable and orderly persons as special deputies to serve any particular order, writ or process or when in the opinion of any sheriff the appointment of special deputies is necessary and required for the purpose of preserving the peace, and it shall not be necessary to give or file any

notice of such special appointment; however, the provision authorizing the carrying of concealed arms shall not apply to such persons. Provided, no person shall be eligible to appointment as a deputy sheriff unless the person is a citizen of the United States of America. There shall be no additional fees or per diem paid by the counties for any additional deputies other than as provided by law."

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

"29-1-9. APPOINTMENT OF PEACE OFFICERS--CITIZENSHIP CERTIFICATE OF APPOINTMENT--EXCEPTIONS.--No sheriff of a county, mayor of a city or other person authorized by law to appoint special deputy sheriffs, marshals, policemen or other peace officers in the state of New Mexico to preserve the public peace and to prevent and quell public disturbances shall appoint as such special deputy sheriff, marshal, policeman or other peace officer any person who shall not be a citizen of the United States of America. No person shall assume or exercise the functions, powers, duties and privileges incident and belonging to the office of special deputy sheriff, marshal, policeman or other peace officer without first having received an appointment in writing from a person authorized by law to appoint special deputy sheriffs, marshals, policemen or other peace officers; provided that nothing in this section shall apply to lawfully appointed

United States marshals or to deputies of those marshals or to railroad peace officers appointed pursuant to Section 63-2-18 NMSA 1978 in the performance of their duties as peace officers.

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

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.
