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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/1/2006

SPONSOR Cervantes LAST UPDATED 2/10/2006 HB 401/aHJC

SHORT TITLE Law Enforcement Citizenship Requirement SB \_\_\_\_\_

ANALYST McOlash

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of District Attorneys (AODA)  
 NM Public Defenders Department (PDD)  
 Administrative Office of the Courts (AOC)  
 Attorney General's Office (AGO)  
 NM Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment provides that the law enforcement officials must be citizens of the United State of America while maintaining the earlier proposal that these officials need not be citizens of New Mexico.

#### Synopsis of Original Bill

House Bill 401 deletes language in State Law 4-41-10 and 29-1-9 that prohibits a non-New Mexican citizen from serving in certain law enforcement positions (special deputy sheriffs, marshals, police officers).

The bill contains an emergency clause.

**FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enactment of this law and an increase in the filing of notices of appointment in the office of the district court clerk.

**SIGNIFICANT ISSUES**

AGO

A law enforcement officer must be: (a) certified; and (b) commissioned/appointed. It appears possible for a law enforcement officer to meet these requirements without being a resident of New Mexico.

It appears the current practice was borne out of the public policy that an officer should serve one year's residence in the state prior to employment. See N.M. Att'y Gen. Op. 60-222 (1959-1960).

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Law enforcement officers would still be required to be residents of the State of New Mexico.

BMC/nt:yr