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HOUSE BILL 861

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE LAW ENFORCEMENT PROTECTION FUND; INCREASING
DISTRIBUTIONS FROM THE FUND; MAKING AN APPROPRIATION;
RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN
LAWS 2002.

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

Section 1. Section 29-13-4 NMSA 1978 (being Laws 1993,
Chapter 179, Section 6, as amended by Laws 2002, Chapter 78,
Section 5 and by Laws 2002, Chapter 92, Section 3) is amended
to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF
DISTRIBUTION.--

A. Annually on or before April 15, the division
shall consider and determine the relative needs as requested by
tribal, municipal and university police and county sheriff's

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1 departments for money in the fund pursuant to the provisions of
2 Subsection C of this section.

3 B. As necessary during the year, the division shall
4 transfer an amount from the [~~law enforcement protection~~] fund
5 to the peace officers' survivors fund that enables the balance
6 of the peace officers' survivors fund to be maintained at a
7 minimum balance of three hundred fifty thousand dollars
8 (\$350,000).

9 C. Unless increased pursuant to Subsections E and F
10 of this section, the division shall determine the rate of
11 distribution of money remaining in the fund to each tribal,
12 municipal and university police and county sheriff's department
13 as follows:

14 (1) all municipal police and county sheriff's
15 departments shall be rated by class pursuant to this paragraph
16 in accordance with populations established by the most recently
17 completed decennial census; provided that the population of any
18 county shall not include the population of any municipality
19 within that county that has a municipal police department. The
20 rate of distribution to which a municipal police or county
21 sheriff's department is entitled is the following:

22	CLASS	POPULATION	AMOUNT
23	1	0 to 20,000	[\$20,000] <u>\$40,000</u>
24	2	20,001 to 160,000	[30,000] <u>60,000</u>
25	3	160,001 to 1,280,000	[40,000] <u>80,000;</u>

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1 (2) university police departments shall be
2 entitled to a rate of distribution of [~~seventeen thousand~~
3 ~~dollars (\$17,000)~~] thirty-four thousand dollars (\$34,000);

4 (3) tribal police departments shall be
5 entitled, unless allocations are adjusted pursuant to the
6 provisions of Subsection [E] D of this section, to [~~six hundred~~
7 ~~dollars (\$600)~~] one thousand dollars (\$1,000) for each
8 commissioned peace officer in the tribe. To be counted as a
9 commissioned peace officer for the purposes of this paragraph,
10 a commissioned peace officer shall have been assigned to duty
11 and have worked in New Mexico for no fewer than two hundred
12 days in the calendar year immediately prior to the date of
13 payment. Payments shall be made for only those divisions of
14 the tribal police departments that perform services in New
15 Mexico. [~~N~~] A tribal police department shall not be eligible
16 for any disbursement under the fund if commissioned peace
17 officers cite non-Indians into the tribal court for civil or
18 criminal citations; and

19 (4) municipal and university police and county
20 sheriff's departments shall be entitled, unless allocations are
21 adjusted pursuant to the provisions of Subsection D of this
22 section, to [~~six hundred dollars (\$600)~~] one thousand dollars
23 (\$1,000) for each police officer or sheriff's deputy employed
24 full time by [~~his~~] the officer's or deputy's department who has
25 been certified by the New Mexico law enforcement academy as a

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1 police officer or has been authorized to act as a New Mexico
2 peace officer pursuant to the provisions of Section 29-1-11
3 NMSA 1978.

4 D. After distributions are determined in accordance
5 with Subsection A, Subsection B and Paragraphs (1) and (2) of
6 Subsection C of this section, if the balance in the fund is
7 insufficient to permit the total allocations provided by
8 Paragraphs (3) and (4) of Subsection C of this section, the
9 division shall reduce that allocation to the maximum amount
10 permitted by available money.

11 E. For fiscal year 2009 and each fiscal year
12 thereafter, the division shall certify a total amount equal to
13 the higher of the amount that would be certified pursuant to
14 Subsection C of this section or an amount to be determined by
15 adding:

16 (1) the total increase in the fund receipts in
17 the previous fiscal year minus the transfer made pursuant to
18 Subsection B of this section; and

19 (2) the total distribution pursuant to
20 Subsection C of this section for the previous fiscal year.

21 F. If the calculation pursuant to Subsection E of
22 this section results in an increased total distribution, the
23 division shall adjust the distributions made pursuant to
24 Paragraph (1) of Subsection C of this section for each
25 department in proportion to the increase in the total

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1 distribution."

2 Section 3. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2008.

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