

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 942

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

INTRODUCED BY

Jane E. Powdrell-Culbert

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR A STUDY OF BIAS-BASED POLICING; MAKING AN APPROPRIATION.

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

Section 1. BIAS-BASED POLICING STUDY AND REPORT.--

A. As used in this section:

(1) "bias-based policing" means:

(a) the practice of targeting persons for suspected illegal activities using race, ethnicity, color, age, gender identity, sexual orientation, nationality, religion, political affiliation, disability, socioeconomic status or any combination of these or other noncriminal characteristics as the sole criterion for the determination of probable cause; and

(b) using traffic enforcement as a

1 pretext in the prevention and detection of crime, including the
2 apprehension, detention or arrest of persons, stops of motor
3 vehicles for alleged traffic violations or investigatory
4 purposes, search and seizure of property, enforcement of state
5 laws and rules, policy and procedure development or to conduct
6 further investigation; and

7 (2) "law enforcement agencies" means state,
8 county, municipal, university, border, tribal and other local
9 law enforcement agencies in New Mexico.

10 B. The New Mexico sentencing commission shall
11 contract for a study of bias-based policing on a statewide
12 basis. The study shall include an examination of:

13 (1) all available data regarding motor vehicle
14 stops and arrests by law enforcement agencies;

15 (2) complaints against law enforcement
16 agencies and officers;

17 (3) monetary settlements of complaints against
18 law enforcement agencies; and

19 (4) other information available that is
20 necessary to attain a full understanding of bias-based policing
21 incidents and practices.

22 C. Following a thorough review of the study
23 results, the New Mexico sentencing commission, in collaboration
24 with other agencies involved in the study, shall create
25 recommendations for the development and implementation of

underscored material = new
[bracketed material] = delete

1 plans, policies and strategies to eliminate bias-based policing
2 in New Mexico. The recommendations shall include:

3 (1) policies for law enforcement agencies that
4 are designed to protect individuals' civil rights, including
5 training of law enforcement officers;

6 (2) strategies to improve the data available
7 to identify and understand bias-based policing incidents and
8 practices;

9 (3) educational efforts for communities of
10 color promoting understanding of civil rights relating to law
11 enforcement activities; and

12 (4) data collection requirements for law
13 enforcement agencies.

14 D. The study results and recommendations shall be
15 presented to the public with opportunities for public comment
16 and to the governor, the department of public safety, the
17 department of transportation, the governor's homeland security
18 advisor, the courts, the corrections department and the
19 appropriate interim legislative committee. A preliminary
20 progress report shall be made to the public and entities
21 described in this subsection by October 1, 2007, and a final
22 report, including all study results, shall be made to the
23 public and the entities by August 1, 2008.

24 Section 2. APPROPRIATION.--One hundred fifty thousand
25 dollars (\$150,000) is appropriated from the general fund to the
.166391.1

underscored material = new
[bracketed material] = delete

1 New Mexico sentencing commission for expenditure in fiscal year
2 2008 to contract for a study of and report on bias-based
3 policing on a statewide basis. Any unexpended or unencumbered
4 balance remaining at the end of fiscal year 2008 shall revert
5 to the general fund.

6 - 4 -
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.166391.1