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FISCAL IMPACT REPORT

SPONSOR Rehm ORIGINAL DATE 2/25/09
LAST UPDATED _____ HJR 17
SHORT TITLE County Sheriff Requirements SB _____
ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$0.0		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of HJR

House Joint Resolution 17 has two sections.

Section 1 proposes to amend Article 10 of the constitution of New Mexico by adding a new section to read:

"County sheriffs shall be certified by the state as law enforcement officers and shall be residents of the county from which they are elected."

Section 2 proposes the amendment in the resolution be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

FISCAL IMPLICATIONS

Since the resolution calls for the amendment to be voted on during a regularly scheduled election added costs would seem to be negligible.

SIGNIFICANT ISSUES

Current election statutes appear to require that a sheriff be a resident of the county from which they are running. Note the following:

House Joint Resolution 17 – Page 2

1-8-18. Primary Election Law; who may become a candidate. (1981)

- A. No person shall become a candidate for nomination by a political party or have his name printed on the primary election ballot unless his record of voter registration shows:
- (1) his affiliation with that political party on the date of the governor's proclamation for the primary election; and
 - (2) his **residence in the district of the office for which he is a candidate** on the date of the governor's proclamation for the primary election or in the case of a person seeking the office of United States senator or United States representative, his residence within New Mexico on the date of the governor's proclamation for the primary election.

The Joint Resolution appears to add additional protection by requiring continuous residence during the sheriff's full term rather than just the election period.

Current statutes do not necessitate that a sheriff be a certified law enforcement officer. However, there is a provision for training in the absence of such certification.

29-7-6.1. County sheriffs; training requirement. (1993)

- 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 he assumes office as a county sheriff.
- B. The director of the training and recruiting division of the department of public safety 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.

Anecdotal evidence indicates that election of a non-certified person is an uncommon experience.

POSSIBLE QUESTIONS

Would it be easier to effectuate these changes through statutes rather than constitutional amendment?

MW/mt