

1 SENATE BILL 84

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Richard C. Martinez

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT TRAINING; REQUIRING INDEPENDENT
12 ATTORNEY HEARING OFFICERS AND PROSECUTORS FOR NEW MEXICO LAW
13 ENFORCEMENT ACADEMY BOARD ADJUDICATORY HEARINGS.

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

16 SECTION 1. Section 29-7-13 NMSA 1978 (being Laws 1993,
17 Chapter 255, Section 10) is amended to read:

18 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF
19 CERTIFICATION.--

20 A. After consultation with the employing agency,
21 the board may refuse to issue or may suspend or revoke a police
22 officer's certification when the board determines that a person
23 has:

24 (1) failed to satisfy the qualifications for
25 certification, set forth in Section 29-7-6 NMSA 1978;

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1 (2) committed acts that constitute dishonesty
2 or fraud;

3 (3) been convicted of, pled guilty to or
4 entered a plea of no contest to:

5 (a) any felony charge; or

6 (b) any violation of federal or state
7 law or a local ordinance relating to aggravated assault, theft,
8 driving while under the influence of intoxicating liquor or
9 drugs, controlled substances or any law or ordinance involving
10 moral turpitude; or

11 (4) knowingly made any false statement in
12 [~~his~~] the application for certification.

13 B. The board shall develop, adopt and promulgate
14 administrative procedures for refusal, suspension or revocation
15 of a police officer's certification that include notice and an
16 opportunity for the affected police officer to be heard, as
17 well as procedures for review of the board's decision. The
18 administrative procedures shall further provide that a hearing
19 officer, if appointed, and a representative of the director,
20 who prosecutes a proposed action to deny, suspend or revoke a
21 certification, shall be attorneys at law who are independent
22 of, and not advised in any capacity by, the office of attorney
23 general or any member of the board."

24 SECTION 2. Section 29-7C-9 NMSA 1978 (being Laws 2003,
25 Chapter 320, Section 11) is amended to read:

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1 "29-7C-9. REFUSAL, SUSPENSION OR REVOCATION OF
2 CERTIFICATION.--

3 A. The board shall refuse to issue or shall suspend
4 or revoke a telecommunicator's certification, after
5 consultation with [~~his~~] the telecommunicator's employing safety
6 agency, if the board determines that a person has:

7 (1) failed to satisfy the qualifications for
8 certification set forth in Section [~~29-7A-3~~] 29-7C-3 NMSA 1978;

9 (2) committed acts that constitute dishonesty
10 or fraud;

11 (3) been convicted of, pled guilty to or
12 entered a plea of nolo contendere to a:

13 (a) felony charge; or

14 (b) violation of a federal or state law,
15 a local ordinance relating to aggravated assault or theft or a
16 law involving moral turpitude; or

17 (4) knowingly made a false statement on [~~his~~]
18 the application.

19 B. The board shall develop, adopt and promulgate
20 administrative procedures for refusal, suspension or revocation
21 of a telecommunicator's certification that include:

22 (1) notice and opportunity for the affected
23 telecommunicator to be heard; [~~and~~]

24 (2) procedures for review of the board's
25 decision; and

1 (3) a requirement that a hearing officer, if
2 appointed, and a representative of the director, who prosecutes
3 a proposed action to deny, suspend or revoke a certification,
4 shall be attorneys at law who are independent of, and not
5 advised in any capacity by, the office of the attorney general
6 or any member of the board."

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