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FISCAL IMPACT REPORT

ORIGINAL DATE 01/25/13
LAST UPDATED 02/25/13 **HB** _____

SPONSOR Martinez, R. C.

SHORT TITLE Law Enforcement Academy Hearing Officers **SB** 84

ANALYST Chenier

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$190.0	\$190.0	\$380.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 84 changes two sections of law. The first is Section 29-7-13 NMSA 1978 adding the word “refusal” to the subsection of the law that requires the Law Enforcement Academy Board “develop, adopt and promulgate administrative procedures for ‘refusal’, suspension or revocation of a police officer’s certification”. Another change to the section requires appointed hearing officers prosecuting an action to deny, suspend, or revoke a certification to be attorneys at law and independent of the Attorney General’s Office (AGO).

The second changes Section 29-7C-9 NMSA 1978 by adding the word “refusal” to the list of actions the board is required to develop administrative procedures. It also adds the requirement that hearing officers prosecuting actions to deny, suspend, or revoke a telecommunicator’s certification be attorneys at law and independent of the AGO.

FISCAL IMPLICATIONS

The DPS provided the following analysis:

Currently the Law Enforcement Academy Board uses hearing officers on a contract basis for peace officer and law enforcement telecommunicator legal actions. The board has a contract for hearing officers costing \$50.00 per hour, hearing officers currently are not

licensed attorneys, and work 15 hours per week. The current General Services Department contract for a licensed attorney hearing officer is \$110.00 resulting in a \$45.0 thousand per year increase. Additionally, prosecutor functions are performed by the AGO and if the Department is required to hire a prosecutor salary and benefits would cost \$85.0 thousand. Additionally, it is anticipated that a paralegal will be required for an additional \$60.0 thousand in salary and benefits totaling \$190.0 thousand.

TECHNICAL ISSUES

Section 8-5-2 NMSA 1978 lists the duties of the Attorney General including “prosecute and defend all actions and proceedings brought by or against any state office or head of a state department board or commission or any employee of the state in his official capacity.”

EC/svb