

HOUSE BILL 430

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Bob Wooley

AN ACT

RELATING TO LAW ENFORCEMENT; AMENDING THE PEACE OFFICERS'  
SURVIVORS SUPPLEMENTAL BENEFITS ACT TO INCLUDE BENEFITS FOR NEW  
MEXICO MOUNTED PATROL MEMBERS' SURVIVORS.

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

**SECTION 1.** Section 29-4A-1 NMSA 1978 (being Laws 1995,  
Chapter 59, Section 1, as amended) is amended to read:

"29-4A-1. SHORT TITLE.--Chapter 29, Article 4A NMSA 1978  
may be cited as the "Peace Officers' and New Mexico Mounted  
Patrol Members' Survivors Supplemental Benefits Act"."

**SECTION 2.** Section 29-4A-2 NMSA 1978 (being Laws 1995,  
Chapter 59, Section 2, as amended) is amended to read:

"29-4A-2. FINDINGS--PURPOSE.--The legislature finds that  
peace officers and New Mexico mounted patrol members throughout  
the state risk their lives daily to protect the citizens of New

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1 Mexico. The legislature further finds that when peace officers  
2 or New Mexico mounted patrol members are killed in the line of  
3 duty, their immediate families can suffer grievously, both  
4 emotionally and economically. To recognize the substantial  
5 public safety benefits conferred by peace officers and New  
6 Mexico mounted patrol members and in consideration of the  
7 sacrifices undertaken by these peace officers and New Mexico  
8 mounted patrol members and their families for the citizens of  
9 New Mexico, it is the purpose of the Peace Officers' and New  
10 Mexico Mounted Patrol Members' Survivors Supplemental Benefits  
11 Act to ensure that certain supplemental death benefits accrue  
12 to the spouse and surviving children or to the parents, if  
13 there are no surviving children or there is no spouse, of a  
14 peace officer or New Mexico mounted patrol member killed in the  
15 line of duty."

16 SECTION 3. Section 29-4A-3 NMSA 1978 (being Laws 1995,  
17 Chapter 59, Section 3, as amended) is amended to read:

18 "29-4A-3. DEFINITIONS.--As used in the Peace Officers'  
19 and New Mexico Mounted Patrol Members' Survivors Supplemental  
20 Benefits Act:

21 A. "fund" means the peace officers' and New Mexico  
22 mounted patrol members' survivors fund;

23 B. "New Mexico mounted patrol" means members of  
24 units or troops officered and manned to assist with law  
25 enforcement pursuant to the provisions of Sections 29-6-1 and

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1 29-6-4 NMSA 1978, Subsection A of Section 29-6-5 NMSA 1978 and  
2 Section 29-6-6 NMSA 1978;

3 [B-] C. "peace officer" means any full-time  
4 salaried and commissioned or certified law enforcement officer  
5 of a police or sheriff's department or a conservation officer  
6 of the department of game and fish as used in Chapter 17 NMSA  
7 1978 that is part of or administered by the state or any  
8 political subdivision of the state; and

9 [G-] D. "secretary" means the secretary of public  
10 safety."

11 SECTION 4. Section 29-4A-4 NMSA 1978 (being Laws 1995,  
12 Chapter 59, Section 4) is amended to read:

13 "29-4A-4. FUND CREATED.--The "peace officers' and New  
14 Mexico mounted patrol members' survivors fund" is created in  
15 the state treasury and shall be administered by the department  
16 of public safety. The fund shall consist of all gifts,  
17 donations and bequests of money to the fund as well as any  
18 appropriations made to the fund. Earnings from investment of  
19 the fund shall be credited to the fund. Money in the fund is  
20 appropriated to the department of public safety for the purpose  
21 of paying death benefits pursuant to the Peace Officers' and  
22 New Mexico Mounted Patrol Members' Survivors Supplemental  
23 Benefits Act and shall be paid out only upon warrants issued by  
24 the secretary of finance and administration pursuant to  
25 vouchers signed by the secretary of public safety. Any

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1 unexpended or unencumbered balance remaining in the fund at the  
2 end of any fiscal year shall not revert."

3 SECTION 5. Section 29-4A-5 NMSA 1978 (being Laws 1995,  
4 Chapter 59, Section 5, as amended) is amended to read:

5 "29-4A-5. PEACE OFFICERS' AND NEW MEXICO MOUNTED PATROL  
6 MEMBERS' SURVIVORS SUPPLEMENTAL DEATH BENEFITS--REVIEW  
7 COMMITTEE--DETERMINATION--PAYMENT.--

8 A. There is created the "peace officers' and New  
9 Mexico mounted patrol members' survivors supplemental death  
10 benefits review committee". The committee shall consist of the  
11 attorney general, the chief of the New Mexico state police and  
12 the state president of the fraternal order of police or their  
13 designees.

14 B. The peace officers' and New Mexico mounted  
15 patrol members' survivors supplemental death benefits review  
16 committee shall determine whether a peace officer or New Mexico  
17 mounted patrol member has been killed in the line of duty and  
18 advise the secretary of that determination. In addition to any  
19 other death benefits provided by law, the surviving spouse,  
20 children or parents shall be paid two hundred fifty thousand  
21 dollars (\$250,000) as supplemental death benefits whenever a  
22 peace officer or New Mexico mounted patrol member is killed in  
23 the line of duty. The benefits shall be paid from the fund.

24 C. The benefits shall be paid first to the  
25 surviving spouse. If there is no surviving spouse, the

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1 benefits shall be distributed in pro rata shares to all  
2 surviving children. If there are no surviving children or  
3 spouse, benefits shall be distributed to the surviving  
4 parents of the peace officer or New Mexico mounted patrol  
5 member."

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