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HOUSE BILL 9

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT TOURNIQUETS AND TRAUMA KITS AND TRAINING ON THE USE OF THOSE ITEMS BE GIVEN TO NEW MEXICO LAW ENFORCEMENT ACADEMY AND TRAINING FACILITY CADETS AND TO CERTIFIED LAW ENFORCEMENT OFFICERS; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Law Enforcement Training Act is enacted to read:

"[NEW MATERIAL] TOURNIQUET AND TRAUMA KIT TRAINING AND DISTRIBUTION.--

A. Tourniquet and trauma kit training shall be included in the curriculum of each basic law enforcement training class and as a component of in-service law enforcement training each year for certified police officers. The academy,

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1 in coordination with certified regional law enforcement
2 training facilities, shall provide a tourniquet and trauma kit
3 to each cadet who graduates from the academy or from a
4 certified regional law enforcement training facility and to
5 each previously certified police officer who attends a
6 certification-by-waiver course.

7 B. The academy shall produce a training video on
8 the proper use of tourniquets and trauma kits for use in the
9 academy and certified regional law enforcement training
10 facilities.

11 C. The academy, in coordination with certified
12 regional law enforcement training facilities, shall distribute
13 a tourniquet and trauma kit to each police officer who has been
14 certified pursuant to the Law Enforcement Training Act.

15 D. The academy, in coordination with certified
16 regional law enforcement training facilities, shall provide
17 replacement items for tourniquet and trauma kits that have been
18 used in the line of duty by a police officer who has been
19 certified pursuant to the Law Enforcement Training Act.

20 E. The tourniquet and trauma kits described in this
21 section shall be approved by the department of emergency
22 medicine of the university of New Mexico school of medicine."

23 SECTION 2. Section 29-13-2.1 NMSA 1978 (being Laws 1993,
24 Chapter 179, Section 4, as amended) is amended to read:

25 "29-13-2.1. DEFINITIONS.--As used in the Law Enforcement

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1 Protection Fund Act:

2 A. "academy" means the New Mexico law enforcement
3 academy;

4 [~~A.~~] B. "division" means the local government
5 division of the department of finance and administration;

6 [~~B.~~] C. "fund" means the law enforcement protection
7 fund;

8 [~~C.~~] D. "governmental entity" means the academy, a
9 municipality, university, tribe or a county;

10 [~~D.~~] E. "tribal police department" means the police
11 department of a tribe that has entered into an agreement with
12 the department of public safety pursuant to Section 29-1-11
13 NMSA 1978;

14 [~~E.~~] F. "tribe" means an Indian nation, tribe or
15 pueblo located wholly or partly in New Mexico; and

16 [~~F.~~] G. "university" means a four-year post-
17 secondary educational institution listed in Article 12, Section
18 11 of the constitution of New Mexico."

19 SECTION 3. Section 29-13-4 NMSA 1978 (being Laws 1993,
20 Chapter 179, Section 6, as amended by Laws 2002, Chapter 78,
21 Section 5 and by Laws 2002, Chapter 92, Section 3) is amended
22 to read:

23 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
24 DISTRIBUTION.--

25 A. Annually on or before April 15, the division
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1 shall consider and determine the relative needs as requested by
2 tribal, municipal and university police [~~and~~], county sheriff's
3 departments and the academy for money in the fund pursuant to
4 the provisions of Subsection C of this section.

5 B. As necessary during the year, the division shall
6 transfer an amount from the [~~law enforcement protection~~] fund
7 to the peace officers', New Mexico mounted patrol members' and
8 reserve police officers' survivors fund that enables the
9 balance of the peace officers', New Mexico mounted patrol
10 members' and reserve police officers' survivors fund to be
11 maintained at a minimum balance of three hundred fifty thousand
12 dollars (\$350,000).

13 C. The division shall determine the rate of
14 distribution of money remaining in the fund [~~to each tribal,~~
15 ~~municipal and university police and county sheriff's~~
16 ~~department~~] as follows:

17 (1) all municipal police and county sheriff's
18 departments shall be rated by class pursuant to this paragraph
19 in accordance with populations established by the most recently
20 completed decennial census; provided that the population of any
21 county shall not include the population of any municipality
22 within that county that has a municipal police department. The
23 rate of distribution to which a municipal police or county
24 sheriff's department is entitled is the following:

25	CLASS	POPULATION	AMOUNT
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1	1	0 to 20,000	\$20,000
2	2	20,001 to 160,000	30,000
3	3	160,001 to 1,280,000	40,000;

4 (2) university police departments shall be
5 entitled to a rate of distribution of seventeen thousand
6 dollars (\$17,000);

7 (3) the academy shall be entitled to a rate of
8 distribution of twenty-four thousand five hundred dollars
9 (\$24,500) to carry out the purposes of Section 1 of this 2017
10 act;

11 [~~3~~] (4) tribal police departments shall be
12 entitled, unless allocations are adjusted pursuant to the
13 provisions of Subsection [~~E~~] D of this section, to six hundred
14 dollars (\$600) for each commissioned peace officer in the
15 tribe. To be counted as a commissioned peace officer for the
16 purposes of this paragraph, a commissioned peace officer shall
17 have been assigned to duty and have worked in New Mexico for no
18 fewer than two hundred days in the calendar year immediately
19 prior to the date of payment. Payments shall be made for only
20 those divisions of the tribal police departments that perform
21 services in New Mexico. [~~No~~] A tribal police department shall
22 not be eligible for any disbursement under the fund if
23 commissioned peace officers cite non-Indians into the tribal
24 court for civil or criminal citations; and

25 [~~4~~] (5) municipal and university police and

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1 county sheriff's departments shall be entitled, unless
2 allocations are adjusted pursuant to the provisions of
3 Subsection D of this section, to six hundred dollars (\$600) for
4 each police officer or sheriff's deputy employed full time by
5 ~~[his]~~ that department who has been certified by the ~~[New Mexico~~
6 ~~law enforcement]~~ academy, or by a regional law enforcement
7 training facility in the state certified by the director of the
8 academy, as a police officer or has been authorized to act as a
9 New Mexico peace officer pursuant to the provisions of Section
10 29-1-11 NMSA 1978.

11 D. After distributions are determined in accordance
12 with Subsection A, Subsection B and Paragraphs (1) ~~[and]~~, (2)
13 and (3) of Subsection C of this section, if the balance in the
14 fund is insufficient to permit the total allocations provided
15 by Paragraphs ~~[3]~~ (4) and ~~[4]~~ (5) of Subsection C of this
16 section, the division shall reduce that allocation to the
17 maximum amount permitted by available money."

18 SECTION 4. Section 29-13-5 NMSA 1978 (being Laws 1983,
19 Chapter 289, Section 5, as amended) is amended to read:

20 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than
21 May 1 of each year, the division shall notify in writing each
22 affected municipal police, university police, tribal police
23 ~~[and]~~, county sheriff's department and the academy of its
24 determination of money to be distributed pursuant to the
25 provisions of Section 29-13-4 NMSA 1978. Any affected

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1 [department] governmental entity may appeal that determination
2 by filing a notice of appeal with the secretary of finance and
3 administration no later than May 15. If an appeal is filed,
4 the secretary of finance and administration shall review the
5 determination of the division in an informal and summary
6 proceeding and shall certify the result of the appeal to the
7 division no later than June 30, and the division shall adjust
8 its determination accordingly. If no appeal is filed, the
9 original determination of the division shall be final and
10 binding and not subject to further review."

11 SECTION 5. Section 29-13-7 NMSA 1978 (being Laws 1983,
12 Chapter 289, Section 7, as amended) is amended to read:

13 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

14 A. Except as provided for the academy in Subsection
15 B of this section, amounts distributed from the fund shall be
16 expended only for the following:

17 (1) the repair and purchase of law enforcement
18 apparatus and equipment, including the financing and
19 refinancing thereof, that meet minimum nationally recognized
20 standards;

21 (2) the purchase of law enforcement equipment,
22 including protective vests, for police dogs;

23 (3) expenses associated with advanced law
24 enforcement planning and training;

25 (4) maintaining the balance of the peace

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1 officers', New Mexico mounted patrol members' and reserve
2 police officers' survivors fund at a minimum amount of three
3 hundred fifty thousand dollars (\$350,000);

4 (5) complying with match or contribution
5 requirements for the receipt of federal funds relating to
6 criminal justice programs; and

7 (6) no more than fifty percent of the
8 replacement salaries of municipal and county law enforcement
9 personnel of municipalities or counties rated as Class 1 in
10 Paragraph (1) of Subsection [B] C of Section 29-13-4 NMSA 1978
11 participating in basic law enforcement training.

12 B. For the academy, amounts distributed from the
13 fund shall be expended only for providing tourniquet and trauma
14 kits, replacement components for tourniquet and trauma kits and
15 training on the use of tourniquet and trauma kits pursuant to
16 Section 1 of this 2017 act.

17 [~~B-~~] C. Amounts distributed from the fund shall be
18 expended only pursuant to approved budgets and upon duly
19 executed vouchers approved as required by law."

20 **SECTION 6. APPROPRIATION.**--Two hundred seventeen thousand
21 dollars (\$217,000) is appropriated from the law enforcement
22 protection fund to the New Mexico law enforcement academy for
23 expenditure in fiscal year 2018 to carry out the purposes of
24 Section 1 of this 2017 act. Any unexpended or unencumbered
25 balance remaining at the end of fiscal year 2018 shall revert

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1 to the general fund.

2 SECTION 7. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2017.

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