1	SENATE BILL 450
2	53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017
3	INTRODUCED BY
4	Cisco McSorley
5	
6	
7	
8	
9	
10	AN ACT
11	RELATING TO LAW ENFORCEMENT; CREATING THE USE OF FORCE REVIEW
12	BOARD; PROVIDING DUTIES AND POWERS; MAKING AN APPROPRIATION.
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
15	SECTION 1. [<u>NEW MATERIAL</u>] USE OF FORCEUSE OF FORCE
16	REVIEW BOARDDUTIESPOWERS
17	A. A use of force incident is an incident in which
18	a law enforcement officer uses force that results in or causes
19	great bodily harm to or the death of another person. All
20	incidents of use of force shall be reported to the use of force
21	review board created in Subsection B of this section. For the
22	purpose of this section, "great bodily harm" means an injury to
23	the person that creates a high probability of death; that
24	causes serious disfigurement; or that results in permanent or
25	protracted loss or impairment of the function of any member or
	.206654.2

underscored material = new
[bracketed material] = delete

1 organ of the body.

bracketed material] = delete

underscored material = new

The "use of force review board" is created and 2 Β. 3 is administratively attached to the administrative office of the courts. 4 C. The use of force review board consists of five 5 members appointed to four-year terms that begin on July 1, 6 7 2017, as follows: two members who are retired judges, 8 (1)9 appointed by the New Mexico supreme court; one member who is a retired law 10 (2) enforcement officer, appointed by the secretary of public 11 12 safety; one member who is a retired public 13 (3) defender, appointed by the chief public defender; and 14 (4) one member who is a retired district 15 attorney, appointed by the director of the administrative 16 office of the district attorneys. 17 D. A vacancy on the board shall be filled by the 18 original appointing authority as soon as practicable for the 19 remainder of the term. The board members shall elect one 20 member to serve as chair of the board. Three members shall 21 constitute a quorum for the purpose of action by the board. 22 The board shall meet at the call of the chair or when the board 23 receives notice of a use of force incident from a law 24 enforcement agency. 25 .206654.2

- 2 -

Ε. A member may receive per diem and mileage as provided for in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance for service on the board.

F. Upon receipt of notice of a use of force incident from a law enforcement agency, the board shall meet, conduct a review of the incident and make a determination as to whether the use of force in the incident was justified. 8 If the board determines that the use of force was not justified, it shall appoint a special prosecutor to bring the matter to a preliminary hearing.

SECTION 2. APPROPRIATION. -- One hundred thousand dollars (\$100,000) is appropriated from the general fund to the administrative office of the courts for expenditure in fiscal year 2018 to support the use of force review board in its duties provided in Section 1 of this 2017 act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2018 shall not revert to the general fund.

- 3 -

bracketed material] = delete underscored material = new

1

2

3

4

5

6

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.206654.2