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## FISCAL IMPACT REPORT

SPONSOR Ruiloba ORIGINAL DATE 02/10/17  
LAST UPDATED 03/17/17 HB 233/aSJC/aSfI#1  
SHORT TITLE University Police Officer Jurisdiction SB \_\_\_\_\_  
ANALYST Sánchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Higher Education Department (HED)  
New Mexico State University (NMSU)  
Eastern New Mexico University (ENMU)  
Northern New Mexico Community College (NNMCC)  
Department of Public Safety (DPS)  
New Mexico Institute of Mining and Technology (NMTech)  
Office of the Attorney General (OAG)

### SUMMARY

#### Synopsis of Senate Floor Amendment #1

Senate Floor amendment number 1 to Senate Judiciary Committee amendment to House Bill 233 removes a change proposed under the original bill which would have allowed university police officer to not carry the commission issued by the board of regents if the university police officer was undercover.

#### Synopsis of SJC Amendment

Senate Judiciary Committee amendment to House Bill 233 addresses the concerns expressed in the original bill by inserting “a campus where students are educated” in place of “those land” when referring to the boundaries immediately adjacent to lands under the control of the board of regents.

#### Synopsis of Bill

## **House Bill 233/aSJC/aSFl#1 – Page 2**

House Bill 233 proposes to amend Section 29-5-2 NMSA 1978 allowing university police officers to not carry commissions of office issued by the board or regents if the officer is operating in an undercover role according to policies and procedures approved by the board or regents.

### **SIGNIFICANT ISSUES**

Northern New Mexico Community College states that an expansion of jurisdiction could result in increased legal cost over jurisdictional issues between law enforcement agencies.

### **OTHER SUBSTANTIVE ISSUES**

The Office of the Attorney General (OAG) expresses concern regarding the expanded jurisdictional power of campus police and that the phrase “immediately adjacent to” is not defined. It cites State v. Nysus, 2001-NMCA-102, ¶ 22, 131 N.M. 338, cert. denied, 131 N.M. 363 (2002), which allows university officers to go off campus to effectuate an arrest for a felony the officer observed on campus.

New Mexico State University points out that campus police currently have statutory jurisdiction on streets running through campus property. Campus police currently patrol these streets in the normal course of their duties, and have taken enforcement on the immediately adjacent properties under a collection of mutual aid agreements, cross-commissioning, and/or deputization from other agencies. The bill would increase public transparency on the authority of campus police on the roads that are immediately adjacent to the campus.

New Mexico Institute of Mining and Technology (NMTech) states that the bill would place into statute practices and working relationships that are already in place between NMTech campus and the City of Socorro police forces.

### **TECHNICAL ISSUES**

Define commissions of office and immediately adjacent to.

ABS/sb