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HOUSE BILL 106

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

William "Bill" R. Rehm

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT TRAINING; REMOVING REQUIREMENTS FOR  
LAW ENFORCEMENT IN-SERVICE TRAINING.

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

SECTION 1. Section 29-7-4.1 NMSA 1978 (being Laws 2002,  
Chapter 34, Section 3 and Laws 2002, Chapter 35, Section 3, as  
amended) is amended to read:

"29-7-4.1. DOMESTIC ABUSE INCIDENT TRAINING.--Domestic  
abuse incident training that includes information on  
strangulation shall be included in the curriculum of each basic  
law enforcement training class. [~~Domestic abuse incident  
training shall be included as a component of in-service  
training each year for certified police officers.~~]"

SECTION 2. Section 29-7-4.2 NMSA 1978 (being Laws 2011,  
Chapter 49, Section 1) is amended to read:

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1 "29-7-4.2. CHILD ABUSE INCIDENT TRAINING.--Child abuse  
2 incident training shall be included in the curriculum of each  
3 basic law enforcement training class. [~~Child abuse incident  
4 training shall be included as a component of in-service  
5 training each year for certified police officers.~~]"

6 SECTION 3. Section 29-7-7.3 NMSA 1978 (being Laws 2007,  
7 Chapter 89, Section 1) is amended to read:

8 "29-7-7.3. ENSURING CHILD SAFETY UPON ARREST--TRAINING.--  
9 Training for ensuring child safety upon the arrest of a parent  
10 or guardian shall be included in the curriculum of each basic  
11 law enforcement training class [~~and as a component of in-  
12 service training each year~~] for certified police officers."

13 SECTION 4. Section 29-7-7.4 NMSA 1978 (being Laws 2010,  
14 Chapter 33, Section 1) is amended to read:

15 "29-7-7.4. MISSING PERSON AND AMBER ALERT TRAINING.--A  
16 minimum of four hours of combined missing person and AMBER  
17 alert training shall be included in the curriculum of each  
18 basic law enforcement training class. [~~Missing person and AMBER  
19 alert training shall be included as a component of in-service  
20 training each year for certified police officers.~~]"

21 SECTION 5. Section 29-7-7.5 NMSA 1978 (being Laws 2011,  
22 Chapter 180, Section 1) is amended to read:

23 "29-7-7.5. INTERACTION WITH PERSONS WITH MENTAL  
24 IMPAIRMENTS--TRAINING.--

25 A. A minimum of forty hours of crisis management,

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1 including crisis intervention, confrontation de-escalation  
2 practicum and proper interaction with persons with mental  
3 impairments training, shall be included in the curriculum of  
4 each basic law enforcement training class.

5 ~~[B. A minimum of two hours of crisis management,~~  
6 ~~including crisis intervention, confrontation de-escalation~~  
7 ~~practicum and proper interaction with persons with mental~~  
8 ~~impairments training, shall be included as a component of in-~~  
9 ~~service law enforcement training pursuant to Section 29-7-7.1~~  
10 ~~NMSA 1978.~~

11 ~~G.]~~ B. A pre-recorded course on crisis management,  
12 including crisis intervention, confrontation de-escalation  
13 practicum and proper interaction with persons with mental  
14 impairments training, shall not satisfy the requirements of the  
15 basic law enforcement training class required pursuant to  
16 Subsection A of this section.

17 ~~[D.]~~ C. As used in this section, "mental  
18 impairment" includes a mental illness, developmental  
19 disability, posttraumatic stress disorder, dual diagnosis,  
20 autism, youth in crisis and traumatic brain injury."

21 **SECTION 6.** Section 29-7-7.7 NMSA 1978 (being Laws 2017,  
22 Chapter 35, Section 1) is amended to read:

23 "29-7-7.7. **TOURNIQUET AND TRAUMA KIT TRAINING AND**  
24 **DISTRIBUTION.--**

25 A. Tourniquet and trauma kit training shall be

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1 included in the curriculum of each basic law enforcement  
2 training class [~~and as a component of in-service law~~  
3 ~~enforcement training each year~~] for certified police officers.

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

10 B. The academy shall provide hands-on tourniquet  
11 and trauma kit training to all officers using tourniquet and  
12 trauma kit equipment designed for training purposes. The  
13 training shall be designed in a manner that will safely  
14 replicate field conditions without the risk of injury in order  
15 for officers to develop the necessary skills to use tourniquets  
16 and trauma kits. In order to supplement the hands-on training,  
17 the academy may produce a training video on the proper use of  
18 tourniquets and trauma kits for use in the academy and  
19 certified regional law enforcement training facilities.

20 C. The academy, in coordination with certified  
21 regional law enforcement training facilities, shall distribute  
22 a tourniquet and trauma kit to each police officer who has been  
23 certified pursuant to the Law Enforcement Training Act."

24 SECTION 7. Section 29-11-5 NMSA 1978 (being Laws 1978,  
25 Chapter 27, Section 5, as amended) is amended to read:

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1 "29-11-5. SEXUAL CRIMES PROSECUTION AND TREATMENT  
2 PROGRAM.--

3 A. The administrator shall develop, with the  
4 cooperation of the [~~criminal justice~~] corrections department,  
5 the New Mexico state police, the New Mexico law enforcement  
6 academy, other authorized law enforcement agencies and existing  
7 community-based victim treatment programs, a statewide  
8 comprehensive plan to train law enforcement officers and  
9 criminal justice and medical personnel in the ability to deal  
10 with sexual crimes; to develop strategies for prevention of  
11 such crimes; to provide assistance in the assembly of evidence  
12 for the facilitation of prosecution of such crimes; and to  
13 provide medical and psychological treatment to victims of such  
14 crimes. This plan shall include, but not be limited to:

15 (1) education and training of law enforcement  
16 officers and criminal justice and medical personnel;

17 (2) collection, processing and analysis of  
18 evidence [~~which~~] that facilitates prosecution of suspects of  
19 sexual crimes; and

20 (3) medical and psychological treatment of  
21 victims of such crimes.

22 B. The comprehensive plan shall be implemented  
23 throughout the state, and the administrator may contract with  
24 appropriate persons, entities, agencies or community-based  
25 programs to provide the services to be rendered pursuant to

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1 Subsection A of this section and may pay a reasonable fee for  
2 [~~such~~] the services.

3 C. Nothing in this section shall be construed to  
4 require criminal prosecution of a suspect of a sexual crime by  
5 the victim to whom services are rendered pursuant to the  
6 provisions of the Sexual Crimes Prosecution and Treatment Act.

7 D. Training for law enforcement officers in the  
8 proper treatment of victims of sexual crimes and collection of  
9 evidence and coordination among agencies shall be incorporated  
10 in the regular training program for recruits by the New Mexico  
11 state police and the basic course taught by the New Mexico law  
12 enforcement academy or by other authorized law enforcement  
13 agencies. [~~Already commissioned officers and sex-crime~~  
14 ~~investigators shall receive advanced training through in-~~  
15 ~~service programs.]"~~

16 SECTION 8. Section 29-20-3 NMSA 1978 (being Laws 2003,  
17 Chapter 260, Section 3) is amended to read:

18 "29-20-3. POLICE TRAINING.--

19 A. No later than December 31, 2004, the New Mexico  
20 law enforcement academy board shall develop and incorporate  
21 into the basic law enforcement training required pursuant to  
22 the Law Enforcement Training Act a course of instruction of at  
23 least sixteen hours concerning the safe initiation and conduct  
24 of high speed pursuits.

25 B. The course of instruction shall emphasize the

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1 importance of protecting the public at all times and the need  
2 to balance the known offense and risk posed by a fleeing  
3 suspect against the danger to law enforcement officers and  
4 other people by initiating a high speed pursuit.

5 C. The course of instruction shall include adequate  
6 consideration of each of the following subjects:

7 (1) when to initiate a high speed pursuit;

8 (2) when to terminate a high speed pursuit;

9 (3) evaluating risks due to conditions of the  
10 vehicle, driver, roadway, weather and traffic during a high  
11 speed pursuit;

12 (4) evaluating dangers to uninvolved motorists  
13 and bystanders during a high speed pursuit;

14 (5) the number of law enforcement units  
15 permitted to participate in the high speed pursuit;

16 (6) the responsibilities of primary, secondary  
17 and supervisory law enforcement units during a high speed  
18 pursuit;

19 (7) proper communication and coordination  
20 procedures when a high speed pursuit enters another law  
21 enforcement agency's jurisdiction, including a tribal  
22 jurisdiction;

23 (8) driving tactics during a high speed  
24 pursuit;

25 (9) communications during a high speed

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1 pursuit;

2 (10) capture of suspects following a high  
3 speed pursuit;

4 (11) supervisory responsibilities during a  
5 high speed pursuit;

6 (12) use of blocking, ramming, boxing and  
7 roadblocks as high speed pursuit tactics;

8 (13) use of alternative methods and  
9 technologies for apprehending suspects during a high speed  
10 pursuit; and

11 (14) preparing a report and evaluation and  
12 analysis of a high speed pursuit after it has concluded.

13 D. The New Mexico law enforcement academy board  
14 shall develop the program of instruction, learning and  
15 performance objectives and standards for training in  
16 conjunction with appropriate groups and individuals that have  
17 an interest in and expertise regarding high speed pursuits,  
18 including law enforcement agencies, law enforcement academy  
19 instructors, experts on the subject and members of the public.

20 ~~[E. In-service law enforcement training, as~~  
21 ~~required pursuant to Section 29-7-7.1 NMSA 1978, shall include~~  
22 ~~at least four hours of instruction that conform with the~~  
23 ~~requirements set forth in Subsection C of this section.~~

24 ~~F.]~~ E. Each certified regional law enforcement  
25 training facility shall incorporate into its basic law

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1 enforcement training [~~and in-service law enforcement training~~]  
2 a course of training in the safe initiation and conduct of high  
3 speed pursuits that is comparable to or exceeds the standards  
4 of the course of instruction developed by the New Mexico law  
5 enforcement academy board."

6 SECTION 9. Section 29-21-3 NMSA 1978 (being Laws 2009,  
7 Chapter 177, Section 3) is amended to read:

8 "29-21-3. POLICIES AND PROCEDURES--REQUIRED.--

9 A. A law enforcement agency shall [~~(1)~~] maintain  
10 written policies and procedures designed to eliminate practices  
11 by its law enforcement officers that violate the provisions of  
12 Section [~~2 of the Prohibition of Profiling Practices Act; and~~

13 ~~(2) provide training to its law enforcement~~  
14 ~~officers, during orientation and at least once every two years,~~  
15 ~~that the law enforcement agency determines will assist its law~~  
16 ~~enforcement officers in adhering to the applicable provisions~~  
17 ~~of the Prohibition of Profiling Practices Act and to the law~~  
18 ~~enforcement agency's policies and procedures] 29-21-2 NMSA  
19 1978.~~

20 B. As part of a law enforcement agency's  
21 administrative complaint procedures, the law enforcement agency  
22 shall, at a minimum:

23 (1) investigate a complaint alleging its law  
24 enforcement officer violated the provisions of Section [~~2 of~~  
25 ~~the Prohibition of Profiling Practices Act~~] 29-21-2 NMSA 1978;

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1 (2) take appropriate measures to discipline a  
2 law enforcement officer, including facilitating mediation or  
3 other restorative justice measures, when it is determined that  
4 the law enforcement officer violated the provisions of Section  
5 [~~2 of the Prohibition of Profiling Practices Act~~] 29-21-2 NMSA  
6 1978;

7 (3) provide appropriate forms for submitting  
8 the complaint against its law enforcement officer;

9 (4) publish the policies and procedures  
10 designed to eliminate practices that violate the provisions of  
11 Section [~~2 of the Prohibition of Profiling Practices Act~~]  
12 29-21-2 NMSA 1978; and

13 (5) submit a redacted copy of the complaint  
14 and the disposition to the attorney general, which shall  
15 disclose the nature and disposition of the complaint but shall  
16 not disclose personal identifying information of a law  
17 enforcement officer or complainant.

18 C. A law enforcement agency shall establish a time  
19 frame within which a complaint alleging a violation of the  
20 provisions of Section [~~2 of the Prohibition of Profiling~~  
21 ~~Practices Act~~] 29-21-2 NMSA 1978 may be made; provided that in  
22 no event shall the time frame be less than ninety days or  
23 exceed one hundred eighty days after the commission of the  
24 alleged violation of the provisions of Section 2 of the  
25 Prohibition of Profiling Practices Act. A law enforcement

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1 agency shall allow a complaint alleging a violation of the  
2 provisions of Section [~~2 of the Prohibition of Profiling~~  
3 ~~Practices Act]~~ 29-21-2 NMSA 1978 by its law enforcement officer  
4 to be made:

5 (1) in person or in writing sent by mail,  
6 facsimile or electronic mail and signed by the complainant; or

7 (2) by telephone, anonymously or by a third  
8 party; provided that the law enforcement agency shall determine  
9 the complaint to be valid before taking appropriate measures  
10 pursuant to Paragraph (2) of Subsection B of this section and  
11 shall comply with the provisions of Section 29-14-4 NMSA 1978."

12 SECTION 10. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is July 1, 2019.