

FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019

HB 129/a

March 12, 2019

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 129**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, lines 13 and 14, strike "OR SCHOOL SECURITY GUARDS".

2. On pages 2 through 5, strike Section 3 in its entirety and insert in lieu thereof:

"SECTION 3. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SCHOOL SECURITY PERSONNEL--DEFINITIONS--REQUIRED TRAINING.--

A. As used in this section:

(1) "firearm" means a handgun recommended by the department of public safety and authorized by the public school insurance authority;

(2) "local school board" includes governing bodies of charter schools;

(3) "school district" includes charter schools;

(4) "school premises" means:

(a) the buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

SJC/HB 129

Page 2

contract, in or on which school or school-related activities are being conducted under the supervision of the local school board; or

(b) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related and school-sanctioned activities are being performed; and

(5) "school security personnel" means retired or former certified and commissioned law enforcement officers who are employed by a school district and authorized by department rules and local school board policy to carry a firearm on school premises.

B. The department shall promulgate rules to carry out the purposes of this section.

C. The department shall promulgate rules pertaining to persons who are prohibited from employment as school security personnel, including:

(1) the applicability of Paragraph (1) or (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal offenders;

(2) the commitment of a felony; a misdemeanor involving moral turpitude that has bearing on the job of school security personnel; or misconduct or crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual exploitation of children; and

(3) negligent or illegal use of a firearm.

D. Prior to an offer of employment, the school district shall require for each potential school security personnel:

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

SJC/HB 129

Page 3

(1) proof that the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;

(2) successful completion of school security personnel training;

(3) proof of up-to-date firearms training;

(4) a background check that indicates the person has not been convicted of a crime or engaged in behavior that violates the School Personnel Act; and

(5) any other conditions required by law, department rule or school district policy.

E. School security personnel shall not perform any other job in the school district, by title or duty, other than school security while carrying a firearm.

F. Prior to school security personnel being allowed to carry firearms authorized by department rules and local school board policy, the school security personnel must successfully pass a physical and psychological evaluation as prescribed by the department in consultation with the public school insurance authority to determine suitability to carry a firearm. The school district shall pay the cost of the physical and psychological evaluations for current and potential school security personnel.

G. The department and the public school insurance authority shall approve one or more school security personnel and firearms training programs. Approved programs must include working with students with special needs, cultural competency and prohibited profiling practices. The department of public safety shall make recommendations for firearms training."".

FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019

SJC/HB 129

Page 4

3. On page 5, line 12, strike "a firearm" and insert in lieu thereof "firearms".

4. On page 5, between lines 14 and 15, insert the following new section:

"SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020."

Respectfully submitted,

Richard C. Martinez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against
Yes: 8
No: 0
Excused: Cervantes, Payne, Wirth
Absent: None