

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 646

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING THE PEACE OFFICER'S EMPLOYER-EMPLOYEE RELATIONS ACT TO
CLARIFY THAT THE COMPELLED STATEMENT OF AN OFFICER SHALL NOT BE
RELEASED EXCEPT UPON COURT ORDER.

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

SECTION 1. Section 29-14-3 NMSA 1978 (being Laws 1991,
Chapter 117, Section 3) is amended to read:

"29-14-3. [~~DEFINITION~~] DEFINITIONS.--As used in the Peace
Officer's Employer-Employee Relations Act:

A. "compelled statement" means a statement provided
by an officer to the officer's employer if the statement is
compelled under threat of dismissal from employment or any
other employment sanction; and

B. "peace officer" or "officer" means any employee

1 of a police or sheriff's department that is part of or
2 administered by the state or any political subdivision of the
3 state who is responsible for the prevention and detection of
4 crime and the enforcement of the penal, traffic or highway laws
5 of the state."

6 SECTION 2. Section 29-14-6 NMSA 1978 (being Laws 1991,
7 Chapter 117, Section 6) is amended to read:

8 "29-14-6. INVESTIGATION OF ADMINISTRATIVE MATTERS--
9 LIMITATIONS.--

10 A. When any peace officer is under investigation
11 for an administrative matter, the officer shall be permitted to
12 produce any relevant documents, witnesses or other evidence to
13 support ~~[his]~~ the case and ~~[he]~~ the officer may cross-examine
14 any adverse witnesses during any grievance process or appeal
15 involving disciplinary action.

16 B. The compelled statement of an officer shall not
17 be released by the employer except upon court order."