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FISCAL IMPACT REPORT

ORIGINAL DATE 1/19/2019

SPONSOR Ruiloba LAST UPDATED _____ HB 237

SHORT TITLE Extend University Police Officer Authority SB _____

ANALYST Edwards

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Institute of Mining and Technology (NMTech)
 New Mexico Attorney General (NMAG)
 University of New Mexico (UNM)

Responses Not Received From

Higher Education Department (HED)
 New Mexico State University (NMSU)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 237 amends Section 29-5-2 NMSA 1978, which currently limits authority of university police to lands controlled by universities. This bill extends that authority to roadways immediately adjacent to school campuses, and replaces use of the pronoun “him” with “the officer.”

SIGNIFICANT ISSUES

The NMAG analysis states the phrase “immediately adjacent to” is undefined, which potentially could lead to uncertainty on the part of officers, as well as defendants challenging particular stops. The NMAG also explains the common-law doctrine of “fresh pursuit” currently allows university officers to go off campus to effectuate an arrest for a felony the officer observed on

campus (*State v. Nysus*, 2001-NMCA-102, ¶ 22, 131 N.M. 338). This bill would allow university officers to make arrests and traffic stops in immediately adjacent roadways for felonies and misdemeanors, regardless of whether there is a connection to the university.

NM Tech explains the bill would place into statute practices and working relationships that are already in place between NM Tech campus and Socorro police forces. NM Tech Campus Police already coordinate and work closely with the Socorro Police force on all issues related to campus and environs law enforcement and security. Except to bring clarity related to campus jurisdiction on the streets and highways adjacent to campus, this revision will not likely change these working relationships.

UNM explains it's police force is cross-commissioned with the Bernalillo County Sheriff's Department, giving them law enforcement authority in Bernalillo County and UNM officers currently respond to adjacent roadways. UNM police work closely with the Albuquerque Police Department in regards to law enforcement issues located on or near the campus and if conflicts arise, they are resolved effectively and without impacting the response and handling of incident in regards to the public well-being.

In a previous analysis of House Bill 233 from the 2017 session, Northern New Mexico Community College stated that an expansion of jurisdiction could result in increased legal cost over jurisdictional issues between law enforcement agencies.

OTHER SUBSTANTIVE ISSUES

The New Mexico Attorney General 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.

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".

TE/sb