

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

RELATING TO LAW ENFORCEMENT; CHANGING THE CURRENT AMOUNTS  
DISTRIBUTED FROM THE LAW ENFORCEMENT PROTECTION FUND;  
PROVIDING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION  
FUND TO THE DEPARTMENT OF PUBLIC SAFETY TO OFFSET COSTS  
INCURRED DUE TO CERTAIN SPECIAL DEPLOYMENTS; REQUIRING  
CERTIFIED LAW ENFORCEMENT OFFICERS WHO WORK AS SCHOOL  
RESOURCE OFFICERS TO BE SPECIFICALLY TRAINED FOR THOSE  
POSITIONS; ALLOWING SCHOOL DISTRICT POLICE DEPARTMENTS THAT  
HAVE FULL-TIME SCHOOL RESOURCE OFFICERS TO RECEIVE FUNDING  
FROM THE LAW ENFORCEMENT PROTECTION FUND.

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

SECTION 1. LAW ENFORCEMENT OFFICERS AS SCHOOL RESOURCE  
OFFICERS--TRAINING REQUIRED.--

A. As used in this section, "school resource  
officer" means a commissioned and certified law enforcement  
officer who is designated to be responsible for school safety  
and crime prevention and the appropriate response to crimes  
in public schools and has completed the training specified in  
Subsection B of this section.

B. A law enforcement officer who is or will be  
assigned as a school resource officer shall receive specific  
training for the duty, including instruction on the  
following:

1 (1) the differences in successful law  
2 enforcement when conducted inside a school environment,  
3 including understanding the adolescent brain, crisis  
4 management and de-escalation techniques;

5 (2) tools to be a positive role model for  
6 youth, including mentoring and informal counseling  
7 techniques;

8 (3) the school resource officer's role and  
9 responsibilities to school personnel and students and their  
10 families and strategies for connecting students and families  
11 to appropriate resources that will assist students to succeed  
12 in school, including strategies for mitigating truancy;

13 (4) a variety of instructional techniques as  
14 well as classroom management tools to provide law-related  
15 education to students;

16 (5) an understanding of adolescent  
17 development and adolescent mental health disorders and  
18 treatment; and

19 (6) identification and response to students  
20 who are suspected of having a mental health need, including  
21 critical skills and capacity for appropriately responding to  
22 behavior issues that are typically observed among adolescents  
23 with mental health needs.

24 C. Beginning with the 2022-2023 school year, a law  
25 enforcement officer who:

1 (1) is assigned as a school resource officer  
2 shall complete the training required in Subsection B of this  
3 section within twelve months of being assigned as a school  
4 resource officer; or

5 (2) was serving as a school resource officer  
6 prior to the 2022-2023 school year and who has not received  
7 specific training for the position of school resource officer  
8 shall complete the training required in Subsection B of this  
9 section no later than July 1, 2023.

10 D. The school resource officer training shall be  
11 provided by or approved by the New Mexico law enforcement  
12 academy in consultation with the public education department.

13 SECTION 2. Section 29-13-2 NMSA 1978 (being Laws 1983,  
14 Chapter 289, Section 2, as amended) is amended to read:

15 "29-13-2. PURPOSE OF ACT.--The purpose of the Law  
16 Enforcement Protection Fund Act is to provide for the  
17 equitable distribution of money to state police, municipal  
18 police, university police, tribal police, county sheriff's  
19 and school district police departments for use in the  
20 maintenance and improvement of those departments in order to  
21 enhance the efficiency and effectiveness of law enforcement  
22 services and to sustain at a reasonable level the payments  
23 available to the surviving eligible family members of a peace  
24 officer killed in the line of duty."

25 SECTION 3. Section 29-13-2.1 NMSA 1978 (being Laws

1 1993, Chapter 179, Section 4, as amended) is amended to read:

2 "29-13-2.1. DEFINITIONS.--As used in the Law

3 Enforcement Protection Fund Act:

4 A. "academy" means the New Mexico law enforcement  
5 academy;

6 B. "division" means the local government division  
7 of the department of finance and administration;

8 C. "fund" means the law enforcement protection  
9 fund;

10 D. "governmental entity" means the academy, the  
11 department of public safety, a municipality, a county, a  
12 university, a tribe or a school district;

13 E. "school district police department" means a  
14 department of commissioned law enforcement officers who are  
15 charged with preventing, investigating and solving crimes on  
16 school district property;

17 F. "tribal police department" means the police  
18 department of a tribe that has entered into an agreement with  
19 the department of public safety pursuant to Section 29-1-11  
20 NMSA 1978;

21 G. "tribe" means an Indian nation, tribe or pueblo  
22 located wholly or partly in New Mexico; and

23 H. "university" means a four-year post-secondary  
24 educational institution listed in Article 12, Section 11 of  
25 the constitution of New Mexico."

1           SECTION 4. Section 29-13-4 NMSA 1978 (being Laws 1993,  
2 Chapter 179, Section 6, as amended by Laws 2017, Chapter 1,  
3 Section 2 and by Laws 2017, Chapter 35, Section 3) is amended  
4 to read:

5           "29-13-4. DETERMINATION OF NEEDS AND RATE OF  
6 DISTRIBUTION.--

7           A. Annually on or before April 15, the division  
8 shall consider and determine the relative needs as requested  
9 by tribal, municipal, school district and university police  
10 departments, county sheriff's departments, the department of  
11 public safety and the academy for money in the fund in the  
12 succeeding fiscal year pursuant to the provisions of  
13 Subsections C and E of this section.

14           B. As necessary during the year, the division  
15 shall transfer an amount from the fund to the peace  
16 officers', New Mexico mounted patrol members' and reserve  
17 police officers' survivors fund that enables the balance of  
18 the peace officers', New Mexico mounted patrol members' and  
19 reserve police officers' survivors fund to be maintained at a  
20 minimum balance of three hundred fifty thousand dollars  
21 (\$350,000).

22           C. The division shall determine the rate of  
23 distribution of money in the fund as follows:

24           (1) all municipal police, school district  
25 police and county sheriff's departments shall be entitled to

1 a rate of distribution of forty-five thousand dollars  
2 (\$45,000);

3 (2) university police departments shall be  
4 entitled to a rate of distribution of forty-five thousand  
5 dollars (\$45,000);

6 (3) the academy shall be entitled to a rate  
7 of distribution of twenty-four thousand five hundred dollars  
8 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA  
9 1978;

10 (4) tribal police departments shall be  
11 entitled, unless allocations are adjusted pursuant to the  
12 provisions of Subsection D of this section, to one thousand  
13 dollars (\$1,000) for each commissioned peace officer in the  
14 tribe. To be counted as a commissioned peace officer for the  
15 purposes of this paragraph, a commissioned peace officer  
16 shall have been assigned to duty and have worked in New  
17 Mexico for no fewer than two hundred days in the calendar  
18 year immediately prior to the date of payment. Payments  
19 shall be made for only those divisions of the tribal police  
20 departments that perform services in New Mexico. A tribal  
21 police department shall not be eligible for any disbursement  
22 under the fund if commissioned peace officers cite non-  
23 Indians into the tribal court for civil or criminal  
24 citations;

25 (5) municipal, school district and

1 university police and county sheriff's departments shall be  
2 entitled, unless allocations are adjusted pursuant to the  
3 provisions of Subsection D of this section, to one thousand  
4 dollars (\$1,000) for each police officer or sheriff's deputy  
5 employed full time by that department who has been certified  
6 by the academy, or by a regional law enforcement training  
7 facility in the state certified by the director of the  
8 academy, as a police officer or has been authorized to act as  
9 a New Mexico peace officer pursuant to the provisions of  
10 Section 29-1-11 NMSA 1978; and

11 (6) municipal police, sheriff's and school  
12 district police departments that assign officers as school  
13 resource officers shall be entitled to one thousand dollars  
14 (\$1,000) for each assigned school resource officer's training  
15 pursuant to Section 1 of this 2020 act.

16 D. After distributions are determined in  
17 accordance with Subsection A, Subsection B and Paragraphs  
18 (1), (2), (3) and (6) of Subsection C of this section, if the  
19 balance in the fund is insufficient to permit the total  
20 allocations provided by Paragraphs (4) and (5) of Subsection  
21 C of this section, the division shall reduce that allocation  
22 to the maximum amount permitted by available money.

23 E. After all distributions have been made in  
24 accordance with Subsections A through D of this section, and  
25 if the balance in the fund is sufficient, the department of

1 public safety shall be entitled to a rate of distribution of  
2 not more than two million dollars (\$2,000,000)."

3 SECTION 5. Section 29-13-5 NMSA 1978 (being Laws 1983,  
4 Chapter 289, Section 5, as amended) is amended to read:

5 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later  
6 than May 1 of each year, the division shall notify in writing  
7 each affected municipal police, school district police,  
8 university police, tribal police and county sheriff's  
9 department, the department of public safety and the academy  
10 of its determination of money to be distributed pursuant to  
11 the provisions of Section 29-13-4 NMSA 1978. Any affected  
12 governmental entity may appeal that determination by filing a  
13 notice of appeal with the secretary of finance and  
14 administration no later than May 15. If an appeal is filed,  
15 the secretary of finance and administration shall review the  
16 determination of the division in an informal and summary  
17 proceeding and shall certify the result of the appeal to the  
18 division no later than June 30, and the division shall adjust  
19 its determination accordingly. If no appeal is filed, the  
20 original determination of the division shall be final and  
21 binding and not subject to further review."

22 SECTION 6. Section 29-13-7 NMSA 1978 (being Laws 1983,  
23 Chapter 289, Section 7, as amended) is amended to read:

24 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

25 A. Except as provided for the academy and the



1 department of public safety in Subsections B and C of this  
2 section, amounts distributed from the fund shall be expended  
3 only for the following:

4 (1) the repair and purchase of law  
5 enforcement apparatus and equipment, including the financing  
6 and refinancing thereof, that meet minimum nationally  
7 recognized standards;

8 (2) the purchase of law enforcement  
9 equipment, including protective vests, for police dogs;

10 (3) expenses associated with advanced law  
11 enforcement planning and training;

12 (4) maintaining the balance of the peace  
13 officers', New Mexico mounted patrol members' and reserve  
14 police officers' survivors fund at a minimum amount of three  
15 hundred fifty thousand dollars (\$350,000);

16 (5) complying with match or contribution  
17 requirements for the receipt of federal funds relating to  
18 criminal justice programs;

19 (6) no more than fifty percent of the  
20 replacement salaries of municipal and county law enforcement  
21 personnel of municipalities or counties participating in  
22 basic law enforcement training; and

23 (7) contingent upon the availability of  
24 funding and until June 30, 2021, a law enforcement officer  
25 retention payment in the amount of seven thousand five

1 hundred dollars (\$7,500); provided that:

2 (a) the distribution is requested by a  
3 municipality or county law enforcement agency that on January  
4 1, 2018 had a staffing vacancy rate of at least ten percent  
5 to retain a law enforcement officer who is certified in  
6 accordance with the Law Enforcement Training Act and has at  
7 least twenty years of actual service credit earned under a  
8 municipal police member coverage plan as determined by the  
9 public employees retirement association;

10 (b) the municipality or county law  
11 enforcement agency provides seven thousand five hundred  
12 dollars (\$7,500) in matching funds to the law enforcement  
13 officer; and

14 (c) the distribution and the matching  
15 funds paid to a law enforcement officer shall not constitute  
16 the officer's base salary or wages and shall not be  
17 considered to be salary or otherwise be used to determine a  
18 pension for the purposes of the Public Employees Retirement  
19 Act.

20 B. For the academy, amounts distributed from the  
21 fund shall be expended only for providing tourniquet and  
22 trauma kits and training on the use of tourniquet and trauma  
23 kits pursuant to Section 29-7-7.7 NMSA 1978.

24 C. The amount distributed to the department of  
25 public safety:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(1) shall:

(a) be used only to offset overtime-pay-related expenses incurred directly by the department of public safety from the special deployment of state police officers or other emergency assistance to counties or municipalities in response to critical circumstances as authorized by the governor; and

(b) not be expended to hire new personnel; and

(2) may be expended for costs, including travel, fuel, overtime, per diem and ammunition.

D. Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022. \_\_\_\_\_