

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 286

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LAW ENFORCEMENT; CREATING THE LAW ENFORCEMENT
CERTIFICATION BOARD; CHANGING THE ENTITY RESPONSIBLE FOR POLICE
OFFICER AND TELECOMMUNICATOR CERTIFICATION SUSPENSIONS,
REVOCATIONS AND REINSTATEMENTS FROM THE NEW MEXICO LAW
ENFORCEMENT ACADEMY BOARD TO THE LAW ENFORCEMENT CERTIFICATION
BOARD; AMENDING THE COMPOSITION OF THE NEW MEXICO LAW
ENFORCEMENT ACADEMY BOARD; AMENDING THE POWERS AND DUTIES OF

.220334.3AIC March 11, 2021 (11:23am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

THE DIRECTOR OF THE NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD;
 CHANGING THE APPEAL PROCESS FOR DISCIPLINARY ACTIONS AGAINST
 NEW MEXICO STATE POLICE OFFICERS OR THE NEW MEXICO LAW
 ENFORCEMENT ACADEMY BOARD DIRECTOR; INCREASING THE PEACE
 OFFICERS', NEW MEXICO MOUNTED PATROL MEMBERS' AND RESERVE
 POLICE OFFICERS' SURVIVORS FUND MINIMUM BALANCE; REPEALING
 SECTION 9-19-11 NMSA 1978 (BEING LAWS 1987, CHAPTER 254,
 SECTION 12, AS AMENDED), PERTAINING TO THE PUBLIC SAFETY
 ADVISORY COMMISSION, Hf11→AND←Hf11 SECTION 29-7-5.1 NMSA 1978
 (BEING LAWS 1979, CHAPTER 202, SECTION 45, AS AMENDED),
 PERTAINING TO THE REMOVAL OF THE NEW MEXICO LAW ENFORCEMENT
 ACADEMY DIRECTOR Hf11→, AND SECTIONS 29-14-1 THROUGH 29-14-11
 NMSA 1978 (BEING LAWS 1991, CHAPTER 117, SECTIONS 1 THROUGH
 11), PERTAINING TO THE PEACE OFFICER'S EMPLOYER-EMPLOYEE
 RELATIONS ACT←Hf11 .

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

SECTION 1. Section 29-2-1.1 NMSA 1978 (being Laws 1987,
 Chapter 254, Section 18, as amended) is amended to read:

"29-2-1.1. DEFINITIONS.--As used in Chapter 29 NMSA 1978:

A. "chief" or "chief of the state police" means the
 director of the New Mexico state police division of the
 department;

~~B. "commission" means the public safety advisory
 commission;~~

underscored material = new
 [bracketed material] = delete
 Amendments: new = →bold, blue, highlight←
 delete = →bold, red, highlight, strikethrough←

~~C.]~~ B. "department" means the department of public safety;

~~D.]~~ C. "member of the New Mexico state police" means a commissioned officer of the New Mexico state police, including an officer who is certified and commissioned as of June 30, 2015 in the former motor transportation division or the former special investigations division;

~~E.]~~ D. "New Mexico law enforcement academy" or "academy" means a division of the department established pursuant to the Law Enforcement Training Act;

~~F.]~~ E. "New Mexico state police" means the New Mexico state police division of the department; and

~~G.]~~ F. "secretary" means the secretary of public safety."

SECTION 2. Section 29-2-11 NMSA 1978 (being Laws 1941, Chapter 147, Section 11, as amended by Laws 2006, Chapter 11, Section 1 and by Laws 2006, Chapter 12, Section 1) is amended to read:

"29-2-11. DISCIPLINARY PROCEEDINGS--APPEAL.--

A. A New Mexico state police officer holding a permanent commission shall not be removed from office, demoted or suspended except for incompetence, neglect of duty, violation of a published rule of conduct, malfeasance in office or conduct unbecoming an officer except as provided in this section. A probationary officer not holding a permanent

.220334.3AIC March 11, 2021 (11:23am)

commission may be removed from office, demoted or suspended in accordance with New Mexico state police rules.

B. The secretary may suspend an officer for disciplinary reasons for not more than thirty days in accordance with New Mexico state police rules without further review or appeal.

C. In the event an officer is removed from office, demoted or suspended for a period of more than thirty days, the secretary shall provide written notification of the grounds supporting the action to the officer. The officer may appeal the secretary's action to the ~~[commission within thirty days of the date of receipt of the secretary's written notification. The appeal process shall be public and conducted in accordance with New Mexico state police rules.~~

~~D. In the event the commission finds that there is just cause for the removal, demotion or suspension of the officer for a period in excess of thirty days, the officer may appeal the decision of the commission to the]~~ law enforcement certification board or the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

SECTION 3. Section 29-7-3 NMSA 1978 (being Laws 1979, Chapter 202, Section 42, as amended) is amended to read:

"29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

A. There is created the "New Mexico law enforcement academy board".

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

~~[B. The academy shall be controlled and supervised by policy set by the board. The board shall be composed of the attorney general, who shall serve automatically by reason of office and serve as chair of the board, and eight members who are qualified electors to be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment.]~~

B. The board shall develop and adopt basic training and in-service training standards for police officers and telecommunicators in New Mexico.

C. The board consists of the attorney general, the director of the New Mexico law enforcement academy and the directors of all satellite law enforcement academies, who shall serve automatically by reason of their position. The remaining seven members of the board shall be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment. The members appointed by the governor shall consist of one attorney who is currently employed by a district attorney's office; one attorney who is currently employed by the public defender department; one certified police chief of a

.220334.3AIC March 11, 2021 (11:23am)

New Mexico Indian nation, tribe or pueblo; two members who have experience and specialize in providing adult education; and two citizen-at-large members, one of whom shall have experience as a behavioral health provider and neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.

[~~G.~~] D. Appointments to the board shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year. ~~[At all times, the board shall have represented on it, as members, one municipal police chief, one sheriff, one state police officer, one attorney who is currently employed in a district attorney's office, one certified police chief of a New Mexico Indian tribe or pueblo, one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members, neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.~~

~~D.~~] E. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act."

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

SECTION 4. Section 29-7-4 NMSA 1978 (being Laws 1969, Chapter 264, Section 6, as amended) is amended to read:

"29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

A. approve or disapprove the appointment of the director by the secretary;

B. develop and implement a planned program of:

(1) basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act, a portion of which may be conducted on a regional basis;

C. prescribe qualifications for instructors and prescribe courses of instruction for:

(1) basic law enforcement training and in-service law enforcement training; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act;

D. report annually to the governor;

E. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy;

.220334.3AIC March 11, 2021 (11:23am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

F. adopt, publish and file, in accordance with the provisions of the State Rules Act, all regulations and rules concerning the operation of the academy and the implementation and enforcement of the provisions of the Law Enforcement Training Act and the Public Safety Telecommunicator Training Act;

G. issue, grant or deny [~~renew, suspend or revoke~~]
a:

(1) peace officer's initial certification for any cause set forth in the provisions of the Law Enforcement Training Act; and

(2) telecommunicator's initial certification for any just cause set forth in the Public Safety Telecommunicator Training Act;

H. administer oaths, subpoena persons and take testimony on any matter within the board's jurisdiction; and

I. perform all other acts appropriate to the development and operation of the academy."

SECTION 5. Section 29-7-5 NMSA 1978 (being Laws 1969, Chapter 264, Section 7, as amended) is amended to read:

"29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director shall be under the supervision and direction of the secretary of public safety. The director shall:

A. be the chief executive officer of the academy and employ necessary personnel;

.220334.3AIC March 11, 2021 (11:23am)

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

B. issue a certificate of completion to any person who:

(1) graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(2) graduates from an approved basic telecommunicator training program and who satisfies the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act;

C. perform all other acts necessary and appropriate to the carrying out of ~~[his]~~ the director's duties; and

~~[D. act as executive secretary to the board;~~

~~E. carry out the policy as set by the board; and~~

~~F. annually evaluate the courses of instruction being offered by the academy and make necessary modifications and adjustments to the programs]~~

D. implement the training standards and requirements developed and adopted by the board."

SECTION 6. A new section of the Law Enforcement Training Act is enacted to read:

"[NEW MATERIAL] LAW ENFORCEMENT CERTIFICATION BOARD-- APPOINTMENT--POWERS AND DUTIES.--

A. The "law enforcement certification board" is established and administratively attached to the department of

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

public safety as an independent board. The law enforcement certification board consists of nine members appointed by the governor with the advice and consent of the senate. No more than five members of the law enforcement certification board shall be members of the same political party. The members of the law enforcement certification board shall be appointed for five-year terms. Two of the initial law enforcement certification board members shall be appointed for one-year terms; two of the initial law enforcement certification board members shall be appointed for two-year terms; two of the initial law enforcement certification board members shall be appointed for three-year terms; two of the initial law enforcement certification board members shall be appointed for four-year terms; and one of the initial law enforcement certification board members shall be appointed for a five-year term.

B. The law enforcement certification board membership shall include the following:

- (1) a retired judge who shall serve as chair of the board;
- (2) a retired municipal peace officer;
- (3) a retired sheriff's deputy;
- (4) a retired tribal law peace officer;
- (5) an attorney in private practice who practices as a plaintiff's attorney in the area of civil

.220334.3AIC March 11, 2021 (11:23am)

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

rights;

(6) an attorney in private practice who represents public entities in civil rights claims; and

(7) an attorney who has prosecuted and represented criminal defendants.

C. The law enforcement certification board may:

(1) reinstate a certificate of completion to a person who:

(a) graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(b) graduates from an approved basic telecommunicator training program and who satisfies the qualification for certification as set forth in the Public Safety Telecommunicator Training Act;

(2) suspend, revoke or refuse to reinstate:

(a) a police officer's certification for just cause as provided in the Law Enforcement Training Act; and

(b) a telecommunicator's certification for just cause as provided in the Public Safety Telecommunicator Training Act;

(3) review a denial of a police officer's certification by the New Mexico law enforcement academy board; and

.220334.3AIC March 11, 2021 (11:23am)

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

(4) conduct investigations, administer oaths and subpoena persons as necessary to make a determination regarding fitness of a police officer to execute a police officer's duties.

D. The law enforcement certification board may require by subpoena the attendance of witnesses or the production of records and other evidence relevant to an investigation and shall have such other powers and duties and administer or enforce such other acts as further provided by law.

E. The law enforcement certification board shall appoint a chief executive officer to assist the board in carrying out its functions. The chief executive officer shall employ persons as necessary to assist the law enforcement certification board in carrying out its functions.

F. Members of the law enforcement certification board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act.

G. The law enforcement certification board shall promulgate rules concerning its duties pursuant to the Law Enforcement Training Act."

SECTION 7. Section 29-7-7.1 NMSA 1978 (being Laws 1981, Chapter 114, Section 7, as amended) is amended to read:

"29-7-7.1. IN-SERVICE LAW ENFORCEMENT TRAINING--

.220334.3AIC March 11, 2021 (11:23am)

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

REQUIREMENTS--ELIGIBILITY.--

A. In-service law enforcement training consists of at least forty hours of academic instruction, approved by the board, for each certified police officer during each twenty-four month period of employment or service with a political subdivision. The first training course shall commence no later than twelve months after graduation from an approved basic law enforcement training program.

B. All certified police officers who are eligible for in-service training shall, during each twenty-four month period of employment, complete a minimum of forty hours of in-service law enforcement training in courses approved by the board. All certified police officers shall provide proof of completing in-service law enforcement training requirements to the director no later than March 1 of the year in which the requirements must be met. The director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. Failure to complete in-service law enforcement training requirements may be grounds for suspension of a certified police officer's certification by the law enforcement certification board. A police officer's certification may be reinstated by the law enforcement certification board, when the police officer presents the law enforcement certification board with evidence of satisfying in-service law enforcement training requirements."

.220334.3AIC March 11, 2021 (11:23am)

SECTION 8. Section 29-7-13 NMSA 1978 (being Laws 1993, Chapter 255, Section 10) is amended to read:

"29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF CERTIFICATION.--

A. After consultation with the employing agency, the board may refuse to issue or the law enforcement certification board may suspend, ~~[or]~~ revoke or refuse to reinstate a police officer's certification when the board or the law enforcement certification board determines that a person has:

(1) failed to satisfy the qualifications for certification, set forth in Section 29-7-6 NMSA 1978;

(2) committed acts that constitute dishonesty or fraud;

(3) been convicted of, pled guilty to or entered a plea of no contest to:

(a) any felony charge; or

(b) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances or any law or ordinance involving moral turpitude; or

(4) knowingly made any false statement in ~~[his]~~ the application for certification.

B. The law enforcement certification board shall

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

develop, adopt and promulgate administrative procedures for suspension, ~~[or]~~ revocation or refusal to reinstate or for review of a denial of a police officer's certification that include notice and an opportunity for the affected police officer to be heard, as well as procedures for review of the board's decision."

SECTION 9. Section 29-7-15 NMSA 1978 (being Laws 2020 (1st S.S.), Chapter 7, Section 2) is amended to read:

"29-7-15. REVOKE POLICE OFFICER CERTIFICATION AFTER CONVICTION OR MAKING CERTAIN PLEAS.--Notwithstanding any other provision of law, if any police officer is convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force or a crime involving the failure to intervene in the use of unlawful force, the law enforcement certification board shall permanently revoke the police officer's certification. The law enforcement certification board shall not, under any circumstance, reinstate the police officer's certification ~~[or]~~ and the New Mexico law enforcement academy board shall not grant new certification to the police officer unless the police officer is exonerated by a court or pardoned by the governor."

SECTION 10. Section 29-7C-7 NMSA 1978 (being Laws 2003, Chapter 320, Section 9, as amended) is amended to read:

"29-7C-7. IN-SERVICE TELECOMMUNICATOR TRAINING.--

A. In-service telecommunicator training consists of

.220334.3AIC March 11, 2021 (11:23am)

at least twenty hours of board-approved advanced training, including one hour of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, for each certified telecommunicator during each two-year period. The first training course shall commence no later than twelve months after graduation from a board-approved basic telecommunicator training program.

B. A certified telecommunicator shall provide proof of completion of in-service training requirements to the director no later than March 1 of the year subsequent to the year in which the requirements are met. The director shall provide annual notice to all certified telecommunicators regarding in-service training requirements. Failure to complete in-service training requirements may be grounds for suspension of a telecommunicator's certification [~~at the director's discretion~~] by the law enforcement certification board. A telecommunicator may be reinstated [~~at the discretion of the director~~] by the law enforcement certification board when the telecommunicator presents to the [~~director~~] law enforcement certification board evidence the telecommunicator has satisfied the in-service training requirements.

C. As used in this section, "mental impairment" includes a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism, youth in

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

crisis and traumatic brain injury."

SECTION 11. Section 29-7C-9 NMSA 1978 (being Laws 2003, Chapter 320, Section 11) is amended to read:

"29-7C-9. REFUSAL, SUSPENSION OR REVOCATION OF CERTIFICATION.--

A. The board shall refuse to issue or the law enforcement certification board shall suspend, [~~or~~] revoke or refuse to reinstate a telecommunicator's certification, after consultation with [~~his~~] the telecommunicator's employing safety agency, if the board or the law enforcement certification board determines that a person has:

(1) failed to satisfy the qualifications for certification set forth in Section 29-7A-3 NMSA 1978;

(2) committed acts that constitute dishonesty or fraud;

(3) been convicted of, pled guilty to or entered a plea of nolo contendere to a:

(a) felony charge; or

(b) violation of a federal or state law, a local ordinance relating to aggravated assault or theft or a law involving moral turpitude; or

(4) knowingly made a false statement on [~~his~~] the application.

B. The law enforcement certification board shall develop, adopt and promulgate administrative procedures for

.220334.3AIC March 11, 2021 (11:23am)

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

suspension, ~~[or]~~ revocation or refusal to reinstate or for review of a denial of a telecommunicator's certification that include:

(1) notice and opportunity for the affected telecommunicator to be heard; and

(2) procedures for review of the board's decision."

SECTION 12. That version of Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended) that is to become effective July 1, 2022 is amended to read:

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

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

B. As necessary during the year, the division shall transfer an amount from the fund to the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund that enables the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund to be maintained at a minimum balance of ~~[three~~

.220334.3AIC March 11, 2021 (11:23am)

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

~~hundred fifty thousand dollars (\$350,000)]~~ four hundred thousand dollars (\$400,000).

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

(1) all municipal police, school district police and county sheriff's departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000);

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

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

(4) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to one thousand dollars (\$1,000) for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform services in New Mexico. A tribal police department shall not

.220334.3AIC March 11, 2021 (11:23am)

be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations;

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

(6) municipal police, sheriff's and school district police departments that assign officers as school resource officers shall be entitled to one thousand dollars (\$1,000) for each assigned school resource officer's training pursuant to Section [~~1 of this 2020 act~~] 29-7-14 NMSA 1978.

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

.220334.3AIC March 11, 2021 (11:23am)

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

E. After all distributions have been made in accordance with Subsections A through D of this section, and if the balance in the fund is sufficient, the department of public safety shall be entitled to a rate of distribution of not more than two million dollars (\$2,000,000)."

SECTION 13. That version of Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended by Laws 2020, Chapter 54, Section 1 and by Laws 2020, Chapter 67, Section 6) that is to become effective July 1, 2022 is amended to read:

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

A. Except as provided for the academy and the department of public safety in Subsections B and C of this section, amounts distributed from the fund shall be expended only for the following:

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

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

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

(4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve

.220334.3AIC March 11, 2021 (11:23am)

police officers' survivors fund at a minimum amount of [~~three hundred fifty thousand dollars (\$350,000)~~] four hundred thousand dollars (\$400,000);

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

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

(7) a law enforcement officer retention payment in the amount of seven thousand five hundred dollars (\$7,500); provided that:

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

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

(c) the distribution and the matching

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

funds paid to a law enforcement officer shall not constitute the officer's base salary or wages and shall not be considered to be salary or otherwise be used to determine a pension for the purposes of the Public Employees Retirement Act; and

(8) recruiting, providing bonuses for and training law enforcement officers engaged in community-oriented policing.

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

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

(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

.220334.3AIC March 11, 2021 (11:23am)

expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

SECTION 14. Section 29-21-3 NMSA 1978 (being Laws 2009, Chapter 177, Section 3) is amended to read:

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

A. A law enforcement agency shall:

(1) maintain written policies and procedures designed to eliminate practices by its law enforcement officers that violate the provisions of Section [~~2 of the Prohibition of Profiling Practices Act~~] 29-21-2 NMSA 1978; and

(2) provide training to its law enforcement officers, during orientation and at least once every two years, that the law enforcement agency determines will assist its law enforcement officers in adhering to the applicable provisions of the Prohibition of Profiling Practices Act and to the law enforcement agency's policies and procedures.

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

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

(2) take appropriate measures to discipline a law enforcement officer, including facilitating mediation or other restorative justice measures, when it is determined that

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

the law enforcement officer violated the provisions of Section ~~[2 of the Prohibition of Profiling Practices Act]~~ 29-21-2 NMSA 1978;

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

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

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

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

.220334.3AIC March 11, 2021 (11:23am)

enforcement officer to be made:

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

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

SECTION 15. REPEAL.--

A. Section 9-19-11 NMSA 1978 (being Laws 1987, Chapter 254, Section 12, as amended) is repealed.

~~Hf11~~→~~B. Sections 29-14-1 through 29-14-11 NMSA 1978 (being Laws 1991, Chapter 117, Sections 1 through 11) are repealed.~~←Hf11

Hf11→~~C.~~←Hf11 Hf11→~~B.~~←Hf11 Section 29-7-5.1 NMSA 1978 (being Laws 1979, Chapter 202, Section 45, as amended) is repealed.

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←