

State of New Mexico  
House of Representatives

FIFTY-FIFTH LEGISLATURE  
FIRST SESSION

March 19, 2021

HOUSE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE JUDICIARY COMMITTEE  
SUBSTITUTE FOR SENATE BILL  
375, as amended

Amendment sponsored by Representative Antonio Maestas

1. Strike Senate Finance Committee Amendments 11 and 13.
2. On page 4, line 14, after the period, strike the remainder of the line, strike lines 15 through 25 in their entirety and on page 5, strike lines 1 through 6 in their entirety.
3. On page 9, between lines 9 and 10, insert the following new sections:

"SECTION 8. 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--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

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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~~] that board with evidence of satisfying in-service law enforcement training requirements."

SECTION 9. 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 law enforcement certification board may refuse to issue or may suspend, [~~or~~] revoke or refuse to reinstate a police officer's certification when [~~the~~] that 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

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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 develop, adopt and promulgate administrative procedures for suspension or revocation 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~~] that board's decision."

SECTION 10. 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 grant new certification to the police officer unless the police officer is exonerated by a court or pardoned by the governor."".

4. On page 15, strike lines 4 through 15 in their entirety and insert in lieu thereof the following paragraphs:

"(1) a retired judge who shall serve as chair of the board;

(2) a current or retired municipal peace officer who has at least three years of supervisory experience as sergeant or above;

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(3) a current or retired sheriff's deputy who has at least three years of supervisory experience as sergeant or above;

(4) a current or retired tribal law peace officer who has at least three years of supervisory experience as sergeant or above;

(5) an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights;

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

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

(8) a member appointed by the New Mexico municipal league; and

(9) a member appointed by the New Mexico association of counties."

5. On page 17, between lines 10 and 11, insert the following new section:

"SECTION 15. REPEAL.--Section 29-7-5.1 NMSA 1978 (being Laws 1979, Chapter 202, Section 45, as amended) is repealed."

6. On page 17, line 13, strike "6 and 8 through 10", and insert in lieu thereof "10 and 12 through 15".

7. On page 17, line 15, strike "7", and insert in lieu thereof "11".

8. Renumber the sections to correspond with these amendments.

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\_\_\_\_\_  
Antonio Maestas

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_