

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

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
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

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underscoring material = new
~~[bracketed material] = delete~~

1 ADVISORY COMMISSION, SECTION 29-7-5.1 NMSA 1978 (BEING LAWS
2 1979, CHAPTER 202, SECTION 45, AS AMENDED), PERTAINING TO THE
3 REMOVAL OF THE NEW MEXICO LAW ENFORCEMENT ACADEMY DIRECTOR, AND
4 SECTIONS 29-14-1 THROUGH 29-14-11 NMSA 1978 (BEING LAWS 1991,
5 CHAPTER 117, SECTIONS 1 THROUGH 11), PERTAINING TO THE PEACE
6 OFFICER'S EMPLOYER-EMPLOYEE RELATIONS ACT.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

11 "29-2-1.1. DEFINITIONS.--As used in Chapter 29 NMSA 1978:

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

15 [~~B.~~ "commission" means the public safety advisory
16 commission;

17 ~~G.] B.~~ "department" means the department of public
18 safety;

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

24 [~~E.] D.~~ "New Mexico law enforcement academy" or
25 "academy" means a division of the department established

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1 pursuant to the Law Enforcement Training Act;

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

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

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

10 "29-2-11. DISCIPLINARY PROCEEDINGS--APPEAL.--

11 A. A New Mexico state police officer holding a
12 permanent commission shall not be removed from office, demoted
13 or suspended except for incompetence, neglect of duty,
14 violation of a published rule of conduct, malfeasance in office
15 or conduct unbecoming an officer except as provided in this
16 section. A probationary officer not holding a permanent
17 commission may be removed from office, demoted or suspended in
18 accordance with New Mexico state police rules.

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

23 C. In the event an officer is removed from office,
24 demoted or suspended for a period of more than thirty days, the
25 secretary shall provide written notification of the grounds

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1 supporting the action to the officer. The officer may appeal
2 the secretary's action to the [~~commission within thirty days of~~
3 ~~the date of receipt of the secretary's written notification.~~
4 ~~The appeal process shall be public and conducted in accordance~~
5 ~~with New Mexico state police rules.~~

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

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

14 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

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

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

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

4 C. The board consists of the attorney general, the
5 director of the New Mexico law enforcement academy and the
6 directors of all satellite law enforcement academies, who shall
7 serve automatically by reason of their position. The remaining
8 seven members of the board shall be appointed by the governor
9 and confirmed by the senate. An appointed board member shall
10 serve and have all of the duties, responsibilities and
11 authority of that office during the period prior to the final
12 action by the senate in confirming or rejecting the
13 appointment. The members appointed by the governor shall
14 consist of one attorney who is currently employed by a district
15 attorney's office; one attorney who is currently employed by
16 the public defender department; one certified police chief of a
17 New Mexico Indian nation, tribe or pueblo; two members who have
18 experience and specialize in providing adult education; and two
19 citizen-at-large members, one of whom shall have experience as
20 a behavioral health provider and neither of whom shall be a
21 police officer or retired police officer or have familial or
22 financial connections to a police officer or any agency or
23 department for which a police officer works. Vacancies shall
24 be filled by the governor for the unexpired term.

25 ~~[G.]~~ D. Appointments to the board shall be for

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

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

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

19 "29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

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

22 B. develop and implement a planned program of:

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

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

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

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

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

12 D. report annually to the governor;

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

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

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

25 (1) peace officer's initial certification for

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1 any cause set forth in the provisions of the Law Enforcement
2 Training Act; and

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

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

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

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

12 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director
13 shall be under the supervision and direction of the secretary
14 of public safety. The director shall:

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

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

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

23 (2) graduates from an approved basic
24 telecommunicator training program and who satisfies the
25 qualifications for certification as set forth in the Public

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1 Safety Telecommunicator Training Act;

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

4 ~~[D. act as executive secretary to the board;~~
5 ~~E. carry out the policy as set by the board; and~~
6 ~~F. annually evaluate the courses of instruction~~
7 ~~being offered by the academy and make necessary modifications~~
8 ~~and adjustments to the programs]~~

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

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

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

15 A. The "law enforcement certification board" is
16 established and administratively attached to the department of
17 public safety as an independent board. The law enforcement
18 certification board consists of nine members appointed by the
19 governor with the advice and consent of the senate. No more
20 than five members of the law enforcement certification board
21 shall be members of the same political party. The members of
22 the law enforcement certification board shall be appointed for
23 five-year terms. Two of the initial law enforcement
24 certification board members shall be appointed for one-year
25 terms; two of the initial law enforcement certification board

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1 members shall be appointed for two-year terms; two of the
2 initial law enforcement certification board members shall be
3 appointed for three-year terms; two of the initial law
4 enforcement certification board members shall be appointed for
5 four-year terms; and one of the initial law enforcement
6 certification board members shall be appointed for a five-year
7 term.

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

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

12 (2) a retired municipal peace officer;

13 (3) a retired sheriff's deputy;

14 (4) a retired tribal law peace officer;

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

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

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

22 C. The law enforcement certification board may:

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

25 (a) graduates from an approved basic law

1 enforcement training program and who satisfies the
2 qualifications for certification as set forth in Section 29-7-6
3 NMSA 1978; or

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

8 (2) suspend, revoke or refuse to reinstate:

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

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

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

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

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

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1 law.

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

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

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

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

16 "29-7-7.1. IN-SERVICE LAW ENFORCEMENT TRAINING--
17 REQUIREMENTS--ELIGIBILITY.--

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

25 B. All certified police officers who are eligible

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1 for in-service training shall, during each twenty-four month
 2 period of employment, complete a minimum of forty hours of in-
 3 service law enforcement training in courses approved by the
 4 board. All certified police officers shall provide proof of
 5 completing in-service law enforcement training requirements to
 6 the director no later than March 1 of the year in which the
 7 requirements must be met. The director shall provide annual
 8 notice to all certified police officers regarding in-service
 9 law enforcement training requirements. Failure to complete in-
 10 service law enforcement training requirements may be grounds
 11 for suspension of a certified police officer's certification by
 12 the law enforcement certification board. A police officer's
 13 certification may be reinstated by the law enforcement
 14 certification board, when the police officer presents the law
 15 enforcement certification board with evidence of satisfying in-
 16 service law enforcement training requirements."

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

19 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF
 20 CERTIFICATION.--

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

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1 person has:

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

4 (2) committed acts that constitute dishonesty
5 or fraud;

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

8 (a) any felony charge; or

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

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

16 B. The law enforcement certification board shall
17 develop, adopt and promulgate administrative procedures for
18 suspension, [~~or~~] revocation or refusal to reinstate or for
19 review of a denial of a police officer's certification that
20 include notice and an opportunity for the affected police
21 officer to be heard, as well as procedures for review of the
22 board's decision."

23 SECTION 9. Section 29-7-15 NMSA 1978 (being Laws 2020
24 (1st S.S.), Chapter 7, Section 2) is amended to read:

25 "29-7-15. REVOKE POLICE OFFICER CERTIFICATION AFTER

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1 CONVICTION OR MAKING CERTAIN PLEAS.--Notwithstanding any other
 2 provision of law, if any police officer is convicted of or
 3 pleads guilty or nolo contendere to a crime involving the
 4 unlawful use or threatened use of physical force or a crime
 5 involving the failure to intervene in the use of unlawful
 6 force, the law enforcement certification board shall
 7 permanently revoke the police officer's certification. The law
 8 enforcement certification board shall not, under any
 9 circumstance, reinstate the police officer's certification [~~or~~]
 10 and the New Mexico law enforcement academy board shall not
 11 grant new certification to the police officer unless the police
 12 officer is exonerated by a court or pardoned by the governor."

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

15 "29-7C-7. IN-SERVICE TELECOMMUNICATOR TRAINING.--

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

25 B. A certified telecommunicator shall provide proof

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

14 C. As used in this section, "mental impairment"
15 includes a mental illness, developmental disability,
16 posttraumatic stress disorder, dual diagnosis, autism, youth in
17 crisis and traumatic brain injury."

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

20 "29-7C-9. REFUSAL, SUSPENSION OR REVOCATION OF
21 CERTIFICATION.--

22 A. The board shall refuse to issue or the law
23 enforcement certification board shall suspend, [~~or~~] revoke or
24 refuse to reinstate a telecommunicator's certification, after
25 consultation with [~~his~~] the telecommunicator's employing safety

1 agency, if the board or the law enforcement certification board
2 determines that a person has:

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

5 (2) committed acts that constitute dishonesty
6 or fraud;

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

9 (a) felony charge; or

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

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

15 B. The law enforcement certification board shall
16 develop, adopt and promulgate administrative procedures for
17 suspension, [~~or~~] revocation or refusal to reinstate or for
18 review of a denial of a telecommunicator's certification that
19 include:

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

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

24 SECTION 12. That version of Section 29-13-4 NMSA 1978
25 (being Laws 1993, Chapter 179, Section 6, as amended) that is

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1 to become effective July 1, 2022 is amended to read:

2 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
3 DISTRIBUTION.--

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

11 B. As necessary during the year, the division shall
12 transfer an amount from the fund to the peace officers', New
13 Mexico mounted patrol members' and reserve police officers'
14 survivors fund that enables the balance of the peace officers',
15 New Mexico mounted patrol members' and reserve police officers'
16 survivors fund to be maintained at a minimum balance of [~~three~~
17 ~~hundred fifty thousand dollars (\$350,000)] four hundred
18 thousand dollars (\$400,000).~~

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

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

24 (2) university police departments shall be
25 entitled to a rate of distribution of forty-five thousand

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1 dollars (\$45,000);

2 (3) the academy shall be entitled to a rate of
3 distribution of twenty-four thousand five hundred dollars
4 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
5 1978;

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

20 (5) municipal, school district and university
21 police and county sheriff's departments shall be entitled,
22 unless allocations are adjusted pursuant to the provisions of
23 Subsection D of this section, to one thousand dollars (\$1,000)
24 for each police officer or sheriff's deputy employed full time
25 by that department who has been certified by the academy, or by

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1 a regional law enforcement training facility in the state
2 certified by the director of the academy, as a police officer
3 or has been authorized to act as a New Mexico peace officer
4 pursuant to the provisions of Section 29-1-11 NMSA 1978; and

5 (6) municipal police, sheriff's and school
6 district police departments that assign officers as school
7 resource officers shall be entitled to one thousand dollars
8 (\$1,000) for each assigned school resource officer's training
9 pursuant to Section [~~1 of this 2020 act~~] 29-7-14 NMSA 1978.

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

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

22 SECTION 13. That version of Section 29-13-7 NMSA 1978
23 (being Laws 1983, Chapter 289, Section 7, as amended by Laws
24 2020, Chapter 54, Section 1 and by Laws 2020, Chapter 67,
25 Section 6) that is to become effective July 1, 2022 is amended

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1 to read:

2 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

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

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

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

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

15 (4) maintaining the balance of the peace
16 officers', New Mexico mounted patrol members' and reserve
17 police officers' survivors fund at a minimum amount of [~~three~~
18 ~~hundred fifty thousand dollars (\$350,000)] four hundred
19 thousand dollars (\$400,000);~~

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

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

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1 law enforcement training;

2 (7) a law enforcement officer retention
3 payment in the amount of seven thousand five hundred dollars
4 (\$7,500); provided that:

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

13 (b) the municipality or county law
14 enforcement agency provides seven thousand five hundred dollars
15 (\$7,500) in matching funds to the law enforcement officer; and

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

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

24 B. For the academy, amounts distributed from the
25 fund shall be expended only for providing tourniquet and trauma

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1 kits and training on the use of tourniquet and trauma kits
2 pursuant to Section 29-7-7.7 NMSA 1978.

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

5 (1) shall:

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

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

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

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

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

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

22 A. A law enforcement agency shall:

23 (1) maintain written policies and procedures
24 designed to eliminate practices by its law enforcement officers
25 that violate the provisions of Section [2 of the Prohibition of

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1 ~~Profiling Practices Act]~~ 29-21-2 NMSA 1978; and

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

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

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

14 (2) take appropriate measures to discipline a
15 law enforcement officer, including facilitating mediation or
16 other restorative justice measures, when it is determined that
17 the law enforcement officer violated the provisions of Section
18 [~~2 of the Prohibition of Profiling Practices Act]~~ 29-21-2 NMSA
19 1978;

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

22 (4) publish the policies and procedures
23 designed to eliminate practices that violate the provisions of
24 Section [~~2 of the Prohibition of Profiling Practices Act]~~
25 29-21-2 NMSA 1978; and

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

6 C. A law enforcement agency shall establish a time
7 frame within which a complaint alleging a violation of the
8 provisions of Section [~~2 of the Prohibition of Profiling~~
9 ~~Practices Act~~] 29-21-2 NMSA 1978 may be made; provided that in
10 no event shall the time frame be less than ninety days or
11 exceed one hundred eighty days after the commission of the
12 alleged violation of the provisions of Section [~~2 of the~~
13 ~~Prohibition of Profiling Practices Act~~] 29-21-2 NMSA 1978. A
14 law enforcement agency shall allow a complaint alleging a
15 violation of the provisions of Section [~~2 of the Prohibition of~~
16 ~~Profiling Practices Act~~] 29-21-2 NMSA 1978 by its law
17 enforcement officer to be made:

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

20 (2) by telephone, anonymously or by a third
21 party; provided that the law enforcement agency shall determine
22 the complaint to be valid before taking appropriate measures
23 pursuant to Paragraph (2) of Subsection B of this section [~~and~~
24 ~~shall comply with the provisions of Section 29-14-4 NMSA~~
25 ~~1978~~]."

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SECTION 15. REPEAL.--

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

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

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

underscoring material = new
~~[bracketed material]~~ = delete