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HOUSE BILL 86

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

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AN ACT

RELATING TO LAW ENFORCEMENT; CREATING THE LAW ENFORCEMENT
RETENTION FUND; PROVIDING A RETENTION DIFFERENTIAL DISBURSEMENT
TO CERTAIN LAW ENFORCEMENT OFFICERS; PROVIDING REPORTING
REQUIREMENTS; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Department of Public
Safety Act is enacted to read:

"~~[NEW MATERIAL]~~ LAW ENFORCEMENT RETENTION FUND--CREATED--
RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

A. The "law enforcement retention fund" is created
in the state treasury. The fund consists of money appropriated
by the legislature, federal money granted to the state for the
purposes of the fund, income from investment of the fund and
money otherwise accruing to the fund. Money in the fund shall

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1 not revert to any other fund at the end of a fiscal year. The
2 department shall administer the fund, and money in the fund is
3 appropriated to the department to provide:

4 (1) retention differential disbursements for
5 law enforcement officers meeting certain levels of tenure; and

6 (2) support for disbursement administration
7 processes and reporting compliance.

8 B. Money in the fund shall be disbursed on warrants
9 signed by the secretary of finance and administration pursuant
10 to vouchers signed by the secretary of public safety.

11 C. Contingent on the completion of reporting
12 requirements provided in Subsection F of this section, the
13 department shall determine and distribute annually the amount
14 necessary to provide to a law enforcement agency for the
15 purpose of providing a retention differential disbursement to
16 law enforcement officers employed by that law enforcement
17 agency. A law enforcement agency shall expend funding received
18 for no other purpose than that permitted by this section, and
19 any unexpended balance received by a law enforcement agency
20 pursuant to this section at the end of a fiscal year shall
21 revert to the law enforcement retention fund. The department
22 shall monitor the use of funding and ensure the proper
23 reversions to the law enforcement retention fund.

24 D. A law enforcement officer shall receive a
25 retention differential disbursement in the amount of five

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1 percent of the law enforcement officer's salary upon completion
2 of five years of service and for every five years of service
3 completed thereafter, up to twenty years of service; provided
4 that the retention differential disbursement shall be
5 calculated based on the salary of the law enforcement officer
6 on those dates.

7 E. The amount provided for a retention differential
8 disbursement shall include the amount of employer tax
9 liabilities, which shall be paid by the employer at the time
10 the retention differential disbursement is provided to the law
11 enforcement officer.

12 F. To receive funding pursuant to Subsection C of
13 this section, a law enforcement agency shall make that request
14 to the department prior to June 1 of each fiscal year, and in
15 that request, the agency shall report the following:

16 (1) the number of officers that are projected
17 to become eligible for a retention differential disbursement in
18 the upcoming fiscal year and the projected amount of the
19 retention differential disbursement, including any employer tax
20 liabilities;

21 (2) the number of law enforcement officers
22 employed by the law enforcement agency for the last five years;

23 (3) the number of years of service of each law
24 enforcement officer employed by the law enforcement agency;

25 (4) the number of law enforcement officers

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1 that left the employ of the law enforcement agency in the last
2 year and the stated reasons why each law enforcement officer
3 left the employ of the law enforcement agency;

4 (5) the number of years of service of each law
5 enforcement officer that left the employ of the law enforcement
6 agency in the last year;

7 (6) the number of applicants to the law
8 enforcement agency in the last year;

9 (7) the number of applicants to the law
10 enforcement agency in the last year that attended a law
11 enforcement academy;

12 (8) the number of law enforcement officers
13 that received one or more certifications in the last year;

14 (9) the number of law enforcement officers
15 added to the law enforcement agency via lateral transfer and
16 the years of service of each law enforcement officer at each
17 previous law enforcement agency;

18 (10) any changes to compensation, recruiting,
19 retention or benefits implemented by the law enforcement agency
20 in the last year; and

21 (11) any other information that is used for
22 determining retention rates unless disclosure of such
23 information is otherwise prohibited by law.

24 G. The department shall:

25 (1) provide forms, standards and procedures

1 and related training to law enforcement agencies as necessary
2 for the agencies to report retention information;

3 (2) maintain the privacy and security of
4 information in accordance with applicable state and federal
5 laws; and

6 (3) adopt and promulgate rules as necessary to
7 implement the provisions of this section.

8 H. The annual report and other statistical data
9 reports generated by the department shall include an evaluation
10 of a program's efficacy in law enforcement retention and shall
11 be made available to law enforcement agencies and the public.

12 I. The department shall provide monthly reports to
13 the department of finance and administration and the
14 legislative finance committee about expenditures from the law
15 enforcement retention fund, including an itemized list of
16 expenditures and the balance remaining in the fund.

17 J. The department may waive reporting information
18 required by a law enforcement agency pursuant to Subsection F
19 of this section; provided that the department shall provide an
20 explanation of its decision in writing.

21 K. The department shall submit an annual report
22 providing information collected pursuant to Subsection F of
23 this section to the governor and the legislature no later than
24 December 15 of each year.

25 L. As used in this section:

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1 (1) "law enforcement agency" means the police
2 department of a municipality, the sheriff's office of a county,
3 the New Mexico state police division of the department, a
4 university police department or the police department of a
5 tribe that has entered into an agreement with the department of
6 public safety pursuant to Section 29-1-11 NMSA 1978;

7 (2) "law enforcement officer" means a full-
8 time salaried public employee of a law enforcement agency, or a
9 certified part-time salaried police officer employed by a law
10 enforcement agency, whose principal duties under law are to
11 hold in custody any person accused of a criminal offense, to
12 maintain public order or to make arrests for crimes; and

13 (3) "retention differential disbursement"
14 means the amount disbursed from the law enforcement retention
15 fund based on a law enforcement officer's service at a law
16 enforcement agency but is not considered salary for the purpose
17 of calculating retirement benefits."