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HOUSE BILL 100

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

INTRODUCED BY

T. Ryan Lane and Candie G. Sweetser and Rebecca Dow and  
Andrea Romero and Randall T. Pettigrew

AN ACT

RELATING TO LAW ENFORCEMENT; INCREASING THE AMOUNT OF PEACE  
OFFICERS', NEW MEXICO MOUNTED PATROL MEMBERS' AND RESERVE  
POLICE OFFICERS' SURVIVORS SUPPLEMENTAL DEATH BENEFITS;  
INCREASING THE MINIMUM BALANCE OF THE PEACE OFFICERS', NEW  
MEXICO MOUNTED PATROL MEMBERS' AND RESERVE POLICE OFFICERS'  
SURVIVORS FUND.

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

SECTION 1. Section 29-4A-5 NMSA 1978 (being Laws 1995,  
Chapter 59, Section 5, as amended) is amended to read:

"29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL  
MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL  
DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "peace officers', New  
Mexico mounted patrol members' and reserve police officers'

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1 survivors supplemental death benefits review committee". The  
2 committee shall consist of the attorney general, the chief of  
3 the New Mexico state police and the state president of the  
4 fraternal order of police or their designees.

5 B. The peace officers', New Mexico mounted patrol  
6 members' and reserve police officers' survivors supplemental  
7 death benefits review committee shall determine whether a peace  
8 officer, New Mexico mounted patrol member or reserve police  
9 officer has been killed in the line of duty and advise the  
10 secretary of that determination. In addition to any other  
11 death benefits provided by law, the surviving spouse, children  
12 or parents shall be paid [~~two hundred fifty thousand dollars~~  
13 ~~(\$250,000)~~] five hundred thousand dollars (\$500,000) as  
14 supplemental death benefits whenever a peace officer, New  
15 Mexico mounted patrol member or reserve police officer is  
16 killed in the line of duty. The benefits shall be paid from  
17 the fund.

18 C. The benefits shall be paid first to the  
19 surviving spouse. If there is no surviving spouse, the  
20 benefits shall be distributed in pro rata shares to all  
21 surviving children. If there are no surviving children or  
22 spouse, benefits shall be distributed to the surviving parents  
23 of the peace officer, New Mexico mounted patrol member or  
24 reserve police officer."

25 SECTION 2. Section 29-13-4 NMSA 1978 (being Laws 1993,

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1 Chapter 179, Section 6, as amended) 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)] five hundred  
18 thousand dollars (\$500,000).~~

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 3. Section 29-13-7 NMSA 1978 (being Laws 1983,  
23 Chapter 289, Section 7, as amended by Laws 2020, Chapter 54,  
24 Section 1 and by Laws 2020, Chapter 67, Section 6) is amended  
25 to read:

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1 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

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

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

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

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

14 (4) maintaining the balance of the peace  
15 officers', New Mexico mounted patrol members' and reserve  
16 police officers' survivors fund at a minimum amount of [~~three~~  
17 ~~hundred fifty thousand dollars (\$350,000)] five hundred  
18 thousand dollars (\$500,000);~~

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

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

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

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

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

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

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

23 B. For the academy, amounts distributed from the  
24 fund shall be expended only for providing tourniquet and trauma  
25 kits and training on the use of tourniquet and trauma kits

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1 pursuant to Section 29-7-7.7 NMSA 1978.

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

4 (1) shall:

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

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

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

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

18 SECTION 4. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2022.

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