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HOUSE BILL 141

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

INTRODUCED BY

Meredith A. Dixon and Doreen Y. Gallegos and
William "Bill" R. Rehm

AN ACT

RELATING TO LAW ENFORCEMENT; ENHANCING DEATH BENEFITS FOR PEACE OFFICERS, NEW MEXICO MOUNTED PATROL MEMBERS AND RESERVE POLICE OFFICERS; CHANGING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION 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' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the chief of

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1 the New Mexico state police and the state president of the
2 fraternal order of police or their designees.

3 B. The peace officers', New Mexico mounted patrol
4 members' and reserve police officers' survivors supplemental
5 death benefits review committee shall determine whether a peace
6 officer, New Mexico mounted patrol member or reserve police
7 officer has been killed in the line of duty and advise the
8 secretary of that determination. In addition to any other
9 death benefits provided by law, the surviving spouse, children
10 or parents shall be paid [~~two hundred fifty thousand dollars~~
11 ~~(\$250,000)~~] one million dollars (\$1,000,000) as supplemental
12 death benefits whenever a peace officer, New Mexico mounted
13 patrol member or reserve police officer is killed in the line
14 of duty. The benefits shall be paid from the fund.

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

22 SECTION 2. Section 29-13-3 NMSA 1978 (being Laws 1983,
23 Chapter 289, Section 3, as amended) is amended to read:

24 "29-13-3. DISTRIBUTION OF CERTAIN INSURANCE
25 COLLECTIONS--LAW ENFORCEMENT PROTECTION FUND CREATED.--There is
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1 created in the state treasury the "law enforcement protection
2 fund". Ten percent of all money received for fees, licenses
3 and penalties from life, general casualty and title insurance
4 business pursuant to the New Mexico Insurance Code shall be
5 paid monthly to the state treasurer and credited to the fund.
6 On or before June 30 of each year, the state treasurer shall
7 transfer to the [~~general fund~~] peace officers', New Mexico
8 mounted patrol members' and reserve police officers' survivors
9 fund any balance in the law enforcement protection fund in
10 excess of one hundred thousand dollars (\$100,000) that is not
11 obligated for expenses in that current fiscal year."

12 SECTION 3. Section 29-13-4 NMSA 1978 (being Laws 1993,
13 Chapter 179, Section 6, as amended) is amended to read:

14 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
15 DISTRIBUTION.--

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

23 B. As necessary during the year, the division shall
24 transfer an amount from the fund to the peace officers', New
25 Mexico mounted patrol members' and reserve police officers'

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1 survivors fund that enables the balance of the peace officers',
2 New Mexico mounted patrol members' and reserve police officers'
3 survivors fund to be maintained at a minimum balance of [~~three~~
4 ~~hundred fifty thousand dollars (\$350,000)] one million dollars
5 (\$1,000,000).~~

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

8 (1) all municipal police, school district
9 police and county sheriff's departments shall be entitled to a
10 rate of distribution of [~~forty-five thousand dollars (\$45,000)]~~
11 ninety-five thousand dollars (\$95,000);

12 (2) university police departments shall be
13 entitled to a rate of distribution of [~~forty-five thousand~~
14 ~~dollars (\$45,000)] ninety-five thousand dollars (\$95,000);~~

15 (3) the academy shall be entitled to a rate of
16 distribution of twenty-four thousand five hundred dollars
17 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
18 1978;

19 (4) tribal police departments shall be
20 entitled, unless allocations are adjusted pursuant to the
21 provisions of Subsection D of this section, to [~~one thousand~~
22 ~~dollars (\$1,000)] one thousand five hundred dollars (\$1,500)
23 for each commissioned peace officer in the tribe. To be
24 counted as a commissioned peace officer for the purposes of
25 this paragraph, a commissioned peace officer shall have been~~

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1 assigned to duty and have worked in New Mexico for no fewer
2 than two hundred days in the calendar year immediately prior to
3 the date of payment. Payments shall be made for only those
4 divisions of the tribal police departments that perform
5 services in New Mexico. A tribal police department shall not
6 be eligible for any disbursement under the fund if commissioned
7 peace officers cite non-Indians into the tribal court for civil
8 or criminal citations;

9 (5) municipal, school district and university
10 police and county sheriff's departments shall be entitled,
11 unless allocations are adjusted pursuant to the provisions of
12 Subsection D of this section, to [~~one thousand dollars~~
13 ~~(\$1,000)~~] one thousand five hundred dollars (\$1,500) for each
14 police officer or sheriff's deputy employed full time by that
15 department who has been certified by the academy, or by a
16 regional law enforcement training facility in the state
17 certified by the director of the academy, as a police officer
18 or has been authorized to act as a New Mexico peace officer
19 pursuant to the provisions of Section 29-1-11 NMSA 1978; and

20 (6) municipal police, sheriff's and school
21 district police departments that assign officers as school
22 resource officers shall be entitled to [~~one thousand dollars~~
23 ~~(\$1,000)~~] one thousand five hundred dollars (\$1,500) for each
24 assigned school resource officer's training pursuant to Section
25 [~~1 of this 2020 act~~] 29-7-14 NMSA 1978.

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

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

13 **SECTION 4.** Section 29-13-7 NMSA 1978 (being Laws 1983,
14 Chapter 289, Section 7, as amended by Laws 2020, Chapter 54,
15 Section 1 and by Laws 2020, Chapter 67, Section 6) is amended
16 to read:

17 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

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

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

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

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

5 (4) maintaining the balance of the peace
6 officers', New Mexico mounted patrol members' and reserve
7 police officers' survivors fund at a minimum amount of [~~three~~
8 ~~hundred fifty thousand dollars (\$350,000)~~] one million dollars
9 (\$1,000,000);

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

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

17 (7) a law enforcement officer retention
18 payment in the amount of seven thousand five hundred dollars
19 (\$7,500); provided that:

20 (a) the distribution is requested by a
21 municipality or county law enforcement agency that on January
22 1, 2018 had a staffing vacancy rate of at least ten percent to
23 retain a law enforcement officer who is certified in accordance
24 with the Law Enforcement Training Act and has at least twenty
25 years of actual service credit earned under a municipal police

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1 member coverage plan as determined by the public employees
2 retirement association;

3 (b) the municipality or county law
4 enforcement agency provides seven thousand five hundred dollars
5 (\$7,500) in matching funds to the law enforcement officer; and

6 (c) the distribution and the matching
7 funds paid to a law enforcement officer shall not constitute
8 the officer's base salary or wages and shall not be considered
9 to be salary or otherwise be used to determine a pension for
10 the purposes of the Public Employees Retirement Act; and

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

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

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

20 (1) shall:

21 (a) be used only to offset overtime-pay-
22 related expenses incurred directly by the department of public
23 safety from the special deployment of state police officers or
24 other emergency assistance to counties or municipalities in
25 response to critical circumstances as authorized by the

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1 governor; and

2 (b) not be expended to hire new
3 personnel; and

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

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

9 SECTION 5. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2022.

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