

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 231

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING A LAW ENFORCEMENT OFFICER DATABASE; ENHANCING DEATH
BENEFITS FOR PEACE OFFICERS, NEW MEXICO MOUNTED PATROL MEMBERS
AND RESERVE POLICE OFFICERS; CHANGING DISTRIBUTIONS FROM THE
LAW ENFORCEMENT PROTECTION FUND; CREATING THE LAW ENFORCEMENT
CERTIFICATION BOARD; EXPANDING THE DISTRIBUTION OF THE LAW
ENFORCEMENT PROTECTION FUND TO THE NEW MEXICO LAW ENFORCEMENT
ACADEMY; EXPANDING THE PURPOSES FOR WHICH A CRIME REDUCTION
GRANT MAY BE MADE; CREATING ADDITIONAL JUDGESHIPS IN THE
SECOND, FIFTH AND THIRTEENTH JUDICIAL DISTRICTS; CREATING THE
LAW ENFORCEMENT RETENTION FUND; PROVIDING A RETENTION
DIFFERENTIAL DISBURSEMENT TO CERTAIN LAW ENFORCEMENT OFFICERS;
PROVIDING REPORTING REQUIREMENTS; ENACTING THE VIOLENCE
INTERVENTION PROGRAM ACT; CREATING THE VIOLENCE INTERVENTION
PROGRAM FUND; ESTABLISHING APPLICATION AND REPORTING

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1 REQUIREMENTS; MAKING AN APPROPRIATION.

2
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

6 "[NEW MATERIAL] LAW ENFORCEMENT OFFICER DATABASE.--

7 A. By no later than December 31, 2023, the
8 secretary shall create a database to coordinate the sharing of
9 information among state, local and federal law enforcement
10 agencies concerning instances of excessive use of force related
11 to law enforcement matters, accounting for applicable privacy
12 and due process rights.

13 B. The database provided for in Subsection A of
14 this section shall include a mechanism to track, as
15 permissible, terminations or decertifications of law
16 enforcement officers, criminal convictions of law enforcement
17 officers for on-duty conduct and civil judgments against law
18 enforcement officers for improper use of force. The database
19 shall account for instances in which a law enforcement officer
20 resigns or retires while under active investigation related to
21 the use of force. The secretary shall take appropriate steps
22 to ensure that the information in the database consists only of
23 instances in which law enforcement officers were afforded due
24 process.

25 C. Upon a particularized showing of the need for

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1 the requested data, the secretary shall make available to a law
 2 enforcement agency data regarding specific law enforcement
 3 officers whose identity has been entered into the database
 4 described in Subsection A of this section.

5 D. The secretary shall regularly and periodically
 6 make available to the public aggregated and anonymized data
 7 from the database described in Subsection A of this section.

8 E. As used in this section:

9 (1) "law enforcement agency" means the police
 10 department of a municipality, the sheriff's office of a county,
 11 the New Mexico state police or the department; and

12 (2) "law enforcement officer" means a state or
 13 municipal police officer, county sheriff, deputy sheriff,
 14 conservation officer, motor transportation enforcement officer
 15 or other state employee authorized by state law to enforce
 16 criminal statutes."

17 SECTION 2. Section 24-10B-12 NMSA 1978 (being Laws 1993,
 18 Chapter 161, Section 7, as amended) is amended to read:

19 "24-10B-12. ACADEMY--DUTIES.--The academy is designated
 20 as the lead emergency medical services training agency. Its
 21 duties include:

22 A. administering formal emergency medical services
 23 training conducted in New Mexico, other than training provided
 24 by other approved emergency medical services training programs;

25 B. furthering the knowledge of emergency medical

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1 services education;

2 C. securing a physician as its medical director to
3 advise it in medical matters and to serve as liaison to the
4 state emergency medical services medical director and the
5 medical community as a whole;

6 D. supporting, promoting and conducting scholarly
7 research regarding emergency medical services; [~~and~~]

8 E. reporting and publishing emergency medical
9 services information; and

10 F. ensuring that medical services training programs
11 approved by the state include training in:

12 (1) crisis management and intervention;

13 (2) dealing with individuals who are
14 experiencing mental health issues;

15 (3) methods of de-escalation;

16 (4) peer-to-peer intervention;

17 (5) stress management; and

18 (6) racial sensitivity."

19 SECTION 3. Section 29-4A-5 NMSA 1978 (being Laws 1995,
20 Chapter 59, Section 5, as amended) is amended to read:

21 "29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL
22 MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL
23 DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

24 A. There is created the "peace officers', New
25 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)~~] one million dollars (\$1,000,000) as supplemental
 14 death benefits whenever a peace officer, New Mexico mounted
 15 patrol member or reserve police officer is killed in the line
 16 of duty. The benefits shall be paid from the fund.

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

24 SECTION 4. Section 29-7-3 NMSA 1978 (being Laws 1979,
 25 Chapter 202, Section 42, as amended) is amended to read:

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1 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

2 A. There is created the "New Mexico law enforcement
3 academy board".

4 ~~[B. The academy shall be controlled and supervised
5 by policy set by the board. The board shall be composed of the
6 attorney general, who shall serve automatically by reason of
7 office and serve as chair of the board, and eight members who
8 are qualified electors to be appointed by the governor and
9 confirmed by the senate. An appointed board member shall serve
10 and have all of the duties, responsibilities and authority of
11 that office during the period prior to the final action by the
12 senate in confirming or rejecting the appointment.]~~

13 B. The board shall develop and adopt basic training
14 and in-service training standards for police officers and
15 telecommunicators in New Mexico.

16 C. The board shall consist of the director of the
17 New Mexico law enforcement academy and the directors of all the
18 satellite law enforcement academies, who shall serve
19 automatically by reason of their position. The remaining seven
20 members of the board shall be appointed by the governor and
21 confirmed by the senate. An appointed board member shall serve
22 and have all of the duties, responsibilities and authority of
23 that office during the period prior to the final action by the
24 senate in confirming or rejecting the appointment. The members
25 appointed by the governor shall consist of one attorney who is

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1 currently employed in a district attorney's office; one
2 attorney who is currently employed by the public defender
3 department; one certified police chief of a New Mexico Indian
4 nation, tribe or pueblo; two members who have experience and
5 specialize in providing adult education; and two citizen-at-
6 large members, one of whom shall have experience as a
7 behavioral health provider and neither of whom shall be a
8 police officer or retired police officer or have familial or
9 financial connections to a police officer or any agency or
10 department for which a police officer works. Vacancies shall
11 be filled by the governor for the unexpired term.

12 [G.] D. Appointments to the board shall be for
13 terms of four years or less made in such manner that the terms
14 of not more than two members expire on July 1 of each year.

15 ~~[At all times, the board shall have represented on it, as~~
16 ~~members, one municipal police chief, one sheriff, one state~~
17 ~~police officer, one attorney who is currently employed in a~~
18 ~~district attorney's office, one certified police chief of a New~~
19 ~~Mexico Indian tribe or pueblo, one certified New Mexico police~~
20 ~~officer holding the rank of sergeant or below and two citizen-~~
21 ~~at-large members, neither of whom shall be a police officer or~~
22 ~~retired police officer or have familial or financial~~
23 ~~connections to a police officer or any agency or department for~~
24 ~~which a police officer works. Vacancies shall be filled by the~~
25 ~~governor for the unexpired term.~~

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1 ~~D.]~~ E. Members of the board shall receive, for
2 their service as members of the board, per diem and mileage as
3 provided in the Per Diem and Mileage Act."

4 SECTION 5. Section 29-7-4 NMSA 1978 (being Laws 1969,
5 Chapter 264, Section 6, as amended) is amended to read:

6 "29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

7 ~~[A. approve or disapprove the appointment of the~~
8 ~~director by the secretary;~~

9 ~~B.]~~ A. develop ~~[and implement]~~ a planned program,
10 to be implemented by the director, of:

11 (1) basic law enforcement training and
12 in-service law enforcement training, a portion of which may be
13 conducted on a regional basis; and

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

18 ~~[E.]~~ B. prescribe qualifications for instructors
19 and prescribe courses of instruction for:

20 (1) basic law enforcement training and
21 in-service law enforcement training; and

22 (2) basic telecommunicator training and
23 in-service telecommunicator training, as provided in the Public
24 Safety Telecommunicator Training Act;

25 ~~[D.]~~ C. report annually to the governor;

1 ~~[E.]~~ D. in its discretion, accept donations,
 2 contributions, grants or gifts from whatever source for the
 3 benefit of the academy, which donations, contributions, grants
 4 or gifts are appropriated for the use of the academy; and

5 ~~[F.]~~ E. adopt, publish and file, in accordance with
 6 the provisions of the State Rules Act, all ~~[regulations and]~~
 7 rules concerning ~~[the operation of the academy and]~~ the
 8 implementation and enforcement of the provisions of the Law
 9 Enforcement Training Act and the Public Safety Telecommunicator
 10 Training Act.

11 ~~[G. issue, grant, deny, renew, suspend or revoke a:~~
 12 ~~(1) peace officer's certification for any~~
 13 ~~cause set forth in the provisions of the Law Enforcement~~
 14 ~~Training Act; and~~

15 ~~(2) telecommunicator's certification for any~~
 16 ~~just cause set forth in the Public Safety Telecommunicator~~
 17 ~~Training Act;~~

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

20 ~~I. perform all other acts appropriate to the~~
 21 ~~development and operation of the academy.]"~~

22 SECTION 6. A new section of the Law Enforcement Training
 23 Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

24 "29-7-4.3. [NEW MATERIAL] LAW ENFORCEMENT OFFICER
 25 TRAINING.--The curriculum of each basic law enforcement

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1 training class and in-service training each year for certified
2 police officers shall include:

- 3 A. crisis management and intervention;
- 4 B. dealing with individuals who are experiencing
5 mental health issues;
- 6 C. methods of de-escalation;
- 7 D. peer-to-peer intervention;
- 8 E. stress management;
- 9 F. racial sensitivity;
- 10 G. reality-based situational training; and
- 11 H. use of force training that includes the
12 elimination of vascular neck restraints."

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

15 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director
16 shall be under the supervision and direction of the secretary
17 of public safety. The director shall:

- 18 A. be the chief executive officer of the academy
19 and employ necessary personnel;
- 20 B. issue a certificate of completion to any person
21 who:

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

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1 (2) graduates from an approved basic
 2 telecommunicator training program and who satisfies the
 3 qualifications for certification as set forth in the Public
 4 Safety Telecommunicator Training Act;

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

7 ~~[D. act as executive secretary to the board;~~

8 ~~E. carry out the policy as set by the]~~

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

11 ~~[F.]~~ E. annually evaluate the courses of
 12 instruction being offered by the academy and make necessary
 13 modifications and adjustments to the programs."

14 **SECTION 8. [NEW MATERIAL] LAW ENFORCEMENT CERTIFICATION**
 15 **BOARD--APPOINTMENT--POWERS AND DUTIES.--**

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

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1 for three-year terms; two of the initial board members shall be
2 appointed for four-year terms; and one of the initial board
3 members shall be appointed for a five-year term.

4 B. The law enforcement certification board
5 membership shall include the following:

6 (1) a retired judge, who shall serve as chair
7 of the board;

8 (2) a municipal peace officer;

9 (3) a sheriff;

10 (4) a tribal law peace officer;

11 (5) an attorney in private practice who
12 practices as a plaintiff's attorney in the area of civil rights
13 or who represents criminal defendants;

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

16 (7) an attorney who is employed by the public
17 defender department.

18 C. The law enforcement certification board may:

19 (1) issue, deny, renew, suspend or revoke:

20 (a) a peace officer's certification for
21 just cause as provided in the Law Enforcement Training Act; and

22 (b) a telecommunicator's certification
23 for just cause as provided in the Public Safety
24 Telecommunicator Training Act; and

25 (2) conduct investigations, administer oaths

1 and subpoena persons as necessary to make determination
2 regarding fitness of a law enforcement officer to execute a law
3 enforcement officer's duties.

4 D. The law enforcement certification board may
5 require by subpoena the attendance of witnesses or the
6 production of records and other evidence relevant to an
7 investigation and shall have such other powers and duties and
8 administer or enforce such other acts as further provided by
9 law.

10 E. The law enforcement certification board shall
11 appoint a chief executive officer to assist the board in
12 carrying out its functions. The chief executive officer shall
13 employ persons as necessary to assist the law enforcement
14 certification board in carrying out its functions.

15 F. The law enforcement certification board shall
16 issue a certificate of completion and certification to:

17 (1) graduates from an approved basic law
18 enforcement training program who satisfy the qualifications for
19 certification as set forth in Section 29-7-6 NMSA 1978; or

20 (2) graduates from an approved basic
21 telecommunicator training program who satisfy the
22 qualifications for certification as set forth in the Public
23 Safety Telecommunicator Training Act.

24 G. Members of the law enforcement certification
25 board shall receive, for their service as members of the board,

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1 per diem and mileage as provided in the Per Diem and Mileage
2 Act.

3 SECTION 9. That version of Section 29-13-4 NMSA 1978
4 (being Laws 1993, Chapter 179, Section 6, as amended) that is
5 to become effective July 1, 2022 is amended to read:

6 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
7 DISTRIBUTION.--

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

15 B. As necessary during the year, the division shall
16 transfer an amount from the fund to the peace officers', New
17 Mexico mounted patrol members' and reserve police officers'
18 survivors fund that enables the balance of the peace officers',
19 New Mexico mounted patrol members' and reserve police officers'
20 survivors fund to be maintained at a minimum balance of [~~three~~
21 ~~hundred fifty thousand dollars (\$350,000)] one million dollars
22 (\$1,000,000).~~

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

25 (1) all municipal police, school district

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1 police and county sheriff's departments shall be entitled to a
2 rate of distribution of forty-five thousand dollars (\$45,000);

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

6 (3) the academy shall be entitled to a rate of
7 distribution of twenty-four thousand five hundred dollars
8 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
9 1978 and to a rate of distribution of two hundred thousand
10 dollars (\$200,000) to carry out the purposes of the Law
11 Enforcement Training Act;

12 (4) tribal police departments shall be
13 entitled, unless allocations are adjusted pursuant to the
14 provisions of Subsection D of this section, to [~~one thousand~~
15 ~~dollars (\$1,000)~~] one thousand five hundred dollars (\$1,500)
16 for each commissioned peace officer in the tribe. To be
17 counted as a commissioned peace officer for the purposes of
18 this paragraph, a commissioned peace officer shall have been
19 assigned to duty and have worked in New Mexico for no fewer
20 than two hundred days in the calendar year immediately prior to
21 the date of payment. Payments shall be made for only those
22 divisions of the tribal police departments that perform
23 services in New Mexico. A tribal police department shall not
24 be eligible for any disbursement under the fund if commissioned
25 peace officers cite non-Indians into the tribal court for civil

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1 or criminal citations;

2 (5) municipal, school district and university
3 police and county sheriff's departments shall be entitled,
4 unless allocations are adjusted pursuant to the provisions of
5 Subsection D of this section, to [~~one thousand dollars~~
6 ~~(\$1,000)~~] one thousand five hundred dollars (\$1,500) for each
7 police officer or sheriff's deputy employed full time by that
8 department who has been certified by the academy, or by a
9 regional law enforcement training facility in the state
10 certified by the director of the academy, as a police officer
11 or has been authorized to act as a New Mexico peace officer
12 pursuant to the provisions of Section 29-1-11 NMSA 1978; and

13 (6) municipal police, sheriff's and school
14 district police departments that assign officers as school
15 resource officers shall be entitled to [~~one thousand dollars~~
16 ~~(\$1,000)~~] one thousand five hundred dollars (\$1,500) for each
17 assigned school resource officer's training pursuant to Section
18 [~~1 of this 2020 act~~] 29-7-14 NMSA 1978.

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

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

6 **SECTION 10.** That version of Section 29-13-7 NMSA 1978
7 (being Laws 1983, Chapter 289, Section 7, as amended by Laws
8 2020, Chapter 54, Section 1 and by Laws 2020, Chapter 67,
9 Section 6) that is to become effective July 1, 2022 is amended
10 to read:

11 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

12 A. Except as provided for the academy and the
13 department of public safety in Subsections B and C of this
14 section, amounts distributed from the fund shall be expended
15 only for the following:

16 (1) the repair and purchase of law enforcement
17 apparatus and equipment, including the financing and
18 refinancing thereof, that meet minimum nationally recognized
19 standards;

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

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

24 (4) maintaining the balance of the peace
25 officers', New Mexico mounted patrol members' and reserve

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1 police officers' survivors fund at a minimum amount of [~~three~~
2 ~~hundred fifty thousand dollars (\$350,000)] one million dollars
3 (\$1,000,000);~~

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

7 (6) no more than fifty percent of the
8 replacement salaries of municipal and county law enforcement
9 personnel of municipalities or counties participating in basic
10 law enforcement training;

11 (7) a law enforcement officer retention
12 payment in the amount of seven thousand five hundred dollars
13 (\$7,500); provided that:

14 (a) the distribution is requested by a
15 municipality or county law enforcement agency that on January
16 1, 2018 had a staffing vacancy rate of at least ten percent to
17 retain a law enforcement officer who is certified in accordance
18 with the Law Enforcement Training Act and has at least twenty
19 years of actual service credit earned under a municipal police
20 member coverage plan as determined by the public employees
21 retirement association;

22 (b) the municipality or county law
23 enforcement agency provides seven thousand five hundred dollars
24 (\$7,500) in matching funds to the law enforcement officer; and

25 (c) the distribution and the matching

1 funds paid to a law enforcement officer shall not constitute
2 the officer's base salary or wages and shall not be considered
3 to be salary or otherwise be used to determine a pension for
4 the purposes of the Public Employees Retirement Act; and

5 (8) recruiting, providing bonuses for and
6 training law enforcement officers engaged in community-oriented
7 policing.

8 B. For the academy, amounts distributed from the
9 fund shall be expended only for providing tourniquet and trauma
10 kits and training on the use of tourniquet and trauma kits
11 pursuant to Section 29-7-7.7 NMSA 1978 and to carry out the
12 purposes of the Law Enforcement Training Act.

13 C. The amount distributed to the department of
14 public safety:

15 (1) shall:

16 (a) be used only to offset overtime-pay-
17 related expenses incurred directly by the department of public
18 safety from the special deployment of state police officers or
19 other emergency assistance to counties or municipalities in
20 response to critical circumstances as authorized by the
21 governor; and

22 (b) not be expended to hire new
23 personnel; and

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

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

4 SECTION 11. Section 31-28-1 NMSA 1978 (being Laws 2019,
5 Chapter 192, Section 5) is amended to read:

6 "31-28-1. SHORT TITLE.--~~[Sections 5 through 10 of this~~
7 ~~act]~~ Chapter 31, Article 28 NMSA 1978 may be cited as the
8 "Crime Reduction Grant Act".

9 SECTION 12. Section 31-28-4 NMSA 1978 (being Laws 2019,
10 Chapter 192, Section 8) is amended to read:

11 "31-28-4. APPLICATIONS FOR GRANTS--PURPOSES--
12 CONDITIONS.--

13 A. A member of a criminal justice coordinating
14 council with the consent of the council and the administrative
15 office of the courts may apply to a grant administration agency
16 for a grant to accomplish any of the enumerated purposes
17 provided in Subsection B of this section.

18 B. Crime reduction grants may be made to:

19 (1) develop, expand and improve evidence-based
20 treatment and supervision alternatives to incarceration,
21 including electronic remote monitoring;

22 (2) reduce barriers to [~~participation by~~
23 ~~criminal offenders in]~~ preprosecution diversion or specialty
24 court programs;

25 (3) develop or improve pretrial service

1 programs; [~~and~~]

2 (4) hire temporary judges to reduce case
3 backlogs;

4 (5) develop or improve coordination of
5 services between law enforcement agencies and treatment
6 programs;

7 (6) establish law enforcement crisis
8 intervention teams;

9 (7) coordinate access to programs for
10 transitional or reentry homes for individuals recently released
11 from incarceration;

12 (8) recruit or retain law enforcement
13 officers, prosecutors, public defenders, corrections officers
14 and mental health workers;

15 (9) develop or expand data-driven policing
16 programs and pretrial services, including electronic
17 monitoring;

18 (10) staff a criminal justice coordinating
19 council; and

20 [~~(4)~~] (11) purchase equipment or provide
21 training to support any of the purposes provided in this
22 section.

23 C. Crime reduction grants shall be conditioned on
24 the criminal justice coordinating council and the recipient
25 member complying with the following:

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1 (1) using not more than five percent of a
2 grant for administrative costs of the recipient;

3 (2) in consultation with the commission,
4 developing data-sharing agreements and methods of data sharing
5 among criminal justice agencies and with the commission to
6 allow system-wide analysis of criminal justice operations
7 within the judicial district and statewide;

8 (3) using or developing evidence-based best
9 practices for any programs operated with crime reduction
10 grants;

11 (4) developing performance measures in
12 consultation with the commission and the grant administration
13 agency relevant to the grantee's application;

14 (5) collecting data to evaluate the
15 effectiveness of programs operated with crime reduction grants;

16 (6) evaluating quarterly the process, outputs,
17 outcomes and other performance measures of programs funded with
18 grants for compliance with all provisions of the Crime
19 Reduction Grant Act;

20 (7) providing a quarterly report to the
21 commission for review and comparison with other programs
22 receiving grants for similar purposes; and

23 (8) providing an annual report to the grant
24 administration agency by October 1 of each year regarding
25 program outcomes from use of the grant.

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1 D. The commission shall assist with the
2 implementation of data-sharing agreements to ensure compliance
3 with crime reduction grants.

4 E. Each grant administration agency shall identify
5 and require the use or development of evidence-based best
6 practices for programs operated with crime reduction grants
7 distributed by that grant administration agency.

8 F. A grant administration agency may consider any
9 outcome reported to it by a grant recipient from a previous
10 year in making a determination of whether to make subsequent
11 grants or the amount of a subsequent grant."

12 SECTION 13. Section 34-6-5 NMSA 1978 (being Laws 1968,
13 Chapter 69, Section 8, as amended) is amended to read:

14 "34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
15 be [~~twenty-nine~~] thirty district judges in the second judicial
16 district."

17 SECTION 14. Section 34-6-8 NMSA 1978 (being Laws 1968,
18 Chapter 69, Section 11, as amended) is amended to read:

19 "34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall be
20 [~~eleven~~] twelve district judges in the fifth judicial
21 district."

22 SECTION 15. Section 34-6-16 NMSA 1978 (being Laws 1971,
23 Chapter 52, Section 3, as amended) is amended to read:

24 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
25 shall be [~~eight~~] nine district judges in the thirteenth

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1 judicial district."

2 SECTION 16. A new section of the Department of Public
3 Safety Act is enacted to read:

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

6 A. The "law enforcement retention fund" is created
7 in the state treasury. The fund consists of money appropriated
8 by the legislature, federal money granted to the state for the
9 purposes of the fund, income from investment of the fund and
10 money otherwise accruing to the fund. Money in the fund shall
11 not revert to any other fund at the end of a fiscal year. The
12 department shall administer the fund, and money in the fund is
13 appropriated to the department to provide:

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

16 (2) support for disbursement administration
17 processes and reporting compliance.

18 B. Money in the fund shall be disbursed on warrants
19 signed by the secretary of finance and administration pursuant
20 to vouchers signed by the secretary of public safety.

21 C. Contingent on the completion of reporting
22 requirements provided in Subsection F of this section, the
23 department shall determine and distribute annually the amount
24 necessary to provide to a law enforcement agency for the
25 purpose of providing a retention differential disbursement to

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1 law enforcement officers employed by that law enforcement
2 agency. A law enforcement agency shall expend funding received
3 for no other purpose than that permitted by this section, and
4 any unexpended balance received by a law enforcement agency
5 pursuant to this section at the end of a fiscal year shall
6 revert to the law enforcement retention fund. The department
7 shall monitor the use of funding and ensure the proper
8 reversions to the law enforcement retention fund.

9 D. A law enforcement officer shall receive a
10 retention differential disbursement in the amount of five
11 percent of the law enforcement officer's salary upon completion
12 of five years of service and for every five years of service
13 completed thereafter, up to twenty years of service; provided
14 that the retention differential disbursement shall be
15 calculated based on the salary of the law enforcement officer
16 on those dates.

17 E. The amount provided for a retention differential
18 disbursement shall include the amount of employer tax
19 liabilities, which shall be paid by the employer at the time
20 the retention differential disbursement is provided to the law
21 enforcement officer.

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

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1 (1) the number of officers that are projected
2 to become eligible for a retention differential disbursement in
3 the upcoming fiscal year and the projected amount of the
4 retention differential disbursement, including any employer tax
5 liabilities;

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

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

10 (4) the number of law enforcement officers
11 that left the employ of the law enforcement agency in the last
12 year and the stated reasons why each law enforcement officer
13 left the employ of the law enforcement agency;

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

17 (6) the number of applicants to the law
18 enforcement agency in the last year;

19 (7) the number of applicants to the law
20 enforcement agency in the last year that attended a law
21 enforcement academy;

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

24 (9) the number of law enforcement officers
25 added to the law enforcement agency via lateral transfer and

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1 the years of service of each law enforcement officer at each
2 previous law enforcement agency;

3 (10) any changes to compensation, recruiting,
4 retention or benefits implemented by the law enforcement agency
5 in the last year; and

6 (11) any other information that is used for
7 determining retention rates unless disclosure of such
8 information is otherwise prohibited by law.

9 G. The department shall:

10 (1) provide forms, standards and procedures
11 and related training to law enforcement agencies as necessary
12 for the agencies to report retention information;

13 (2) maintain the privacy and security of
14 information in accordance with applicable state and federal
15 laws; and

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

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

22 I. The department shall provide monthly reports to
23 the department of finance and administration and the
24 legislative finance committee about expenditures from the law
25 enforcement retention fund, including an itemized list of

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1 expenditures and the balance remaining in the fund.

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

6 K. The department shall submit an annual report
7 providing information collected pursuant to Subsection F of
8 this section to the governor and the legislature no later than
9 December 15 of each year.

10 L. As used in this section:

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

17 (2) "law enforcement officer" means a full-
18 time salaried public employee of a law enforcement agency, or a
19 certified part-time salaried police officer employed by a law
20 enforcement agency, whose principal duties under law are to
21 hold in custody any person accused of a criminal offense, to
22 maintain public order or to make arrests for crimes; and

23 (3) "retention differential disbursement"
24 means the amount disbursed from the law enforcement retention
25 fund based on a law enforcement officer's service at a law

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1 enforcement agency but is not considered salary for the purpose
2 of calculating retirement benefits."

3 SECTION 17. [NEW MATERIAL] SHORT TITLE.--Sections 17
4 through 25 of this act may be cited as the "Violence
5 Intervention Program Act".

6 SECTION 18. [NEW MATERIAL] DEFINITIONS.--As used in the
7 Violence Intervention Program Act:

8 A. "commission" means the New Mexico sentencing
9 commission;

10 B. "community-based service provider" means an
11 entity that is eligible to be awarded a contract to provide
12 services that accomplish the purposes of the Violence
13 Intervention Program Act;

14 C. "department" means the department of health; and

15 D. "grantee" means a state agency, county,
16 municipality or tribal government that has applied for and
17 received funding pursuant to the Violence Intervention Program
18 Act for the purposes of addressing gun violence and aggravated
19 assaults in a locally focused geographic area.

20 SECTION 19. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM
21 FUND--CREATED--PURPOSE.--The "violence intervention program
22 fund" is created as a nonreverting fund in the state treasury.
23 The fund consists of appropriations, gifts, grants and
24 donations. The department shall administer the fund, and money
25 in the fund is appropriated to the department to administer the

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1 provisions of the Violence Intervention Program Act and award
2 violence intervention program grants to state agencies,
3 counties, municipalities or tribal governments that the
4 department finds are disproportionately impacted by violent
5 crimes, including homicides, shootings and aggravated assaults.
6 Expenditures from the fund shall be made on warrant of the
7 secretary of finance and administration pursuant to vouchers
8 signed by the secretary of health. The department may expend
9 no more than three percent of the balance of the fund each
10 fiscal year for administering the Violence Intervention Program
11 Act. No money in the fund may be expended in any way except as
12 provided by the Violence Intervention Program Act.

13 SECTION 20. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM
14 REQUIREMENTS.--A violence intervention program shall:

15 A. use an evidence- or research-based public health
16 approach to reduce gun violence and aggravated assaults;

17 B. use focused deterrence, problem-oriented
18 policing and proven law enforcement strategies to reduce gun
19 violence and aggravated assaults;

20 C. target a population that is at high risk for
21 victimization or retaliation that results from gun violence or
22 aggravated assault through engaging in the cycles of violence
23 in the community;

24 D. use data-driven methods for program development;
25 and

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1 E. use program funding in a manner that is directly
2 related to the reduction of gun violence and aggravated
3 assaults.

4 SECTION 21. [NEW MATERIAL] GRANT AWARDS.--

5 A. On or after July 1, 2022, the department shall
6 receive and review applications for grants from the violence
7 intervention program fund. The department may make grants from
8 the fund to state agencies, counties, municipalities or tribal
9 governments that the department finds are disproportionately
10 impacted by violent crimes, including homicides, shootings and
11 aggravated assaults.

12 B. The department shall make awards of grants from
13 the fund in accordance with the following limitations:

14 (1) grant awards shall be made to at least two
15 counties, municipalities or tribal governments with a
16 population of fifty thousand or less according to the most
17 recent annual university of New Mexico intercensal population
18 estimate;

19 (2) at least twenty percent of the total
20 annual amount appropriated to the fund shall be awarded to
21 counties or municipalities with a population of five hundred
22 forty thousand or greater according to the most recent federal
23 decennial census; and

24 (3) the department of health shall utilize the
25 funds in accordance with department of finance and

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1 administration guidelines.

2 SECTION 22. [NEW MATERIAL] APPLICATION REQUIREMENTS.--

3 A. Each application for a grant from the violence
4 intervention program fund shall include:

5 (1) clearly defined, measurable objectives for
6 a proposal to improve public health and safety through
7 evidence-based violence reduction interventions;

8 (2) a comprehensive violence reduction
9 strategic plan, including consistent quality improvement and
10 quality assurance measures, and a description of the strategies
11 and tasks developed by a state agency, county, municipality or
12 tribal government describing the goals of the plan, including
13 community-based services or joint community-based services and
14 law enforcement intervention strategies;

15 (3) a description of how a grant award would
16 be used if awarded; and

17 (4) a list of community-based service
18 providers in the locally focused geographic area in which the
19 grant funds would be used, including those with an expressed
20 commitment to participating in a violence intervention program.

21 B. The commission shall provide state agencies,
22 counties, municipalities and tribal governments with data
23 relevant to grant applications.

24 C. An applicant shall notify the appropriate
25 criminal justice coordinating council established pursuant to

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1 Section 31-28-3 NMSA 1978 of its grant application.

2 SECTION 23. [NEW MATERIAL] CONDITIONS OF GRANT.--

3 A. As a condition of each grant made pursuant to
4 the Violence Intervention Program Act, the department shall
5 require each grantee to use at least fifty percent of its grant
6 for the purpose of entering into contracts with one or more
7 community-based service providers.

8 B. Each grantee shall report to the appropriate
9 criminal justice coordinating council established pursuant to
10 Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

11 C. A grant may be awarded to a county or
12 municipality, but shall not be awarded to both a county and a
13 municipality falling within the county.

14 SECTION 24. [NEW MATERIAL] RULES.--The department shall
15 adopt rules necessary to administer the provisions of the
16 Violence Intervention Program Act, including standardized rules
17 pertaining to the collection and sharing of data by grantees.

18 SECTION 25. [NEW MATERIAL] REPORTS.--

19 A. Each grantee shall report to the department and
20 the commission by November 1 of each year regarding the:

21 (1) purpose and amount of each grant received
22 by the grantee for the previous fiscal year; and

23 (2) processes, outputs and outcomes resulting
24 from each grant approved by the department for the previous
25 fiscal year, including relevant data as required by department

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1 rules.

2 B. Each year through 2027, the department and the
3 commission shall report to the legislature by December 1
4 regarding the awards and outcomes of each grantee.

5 SECTION 26. EFFECTIVE DATE.--The effective date of the
6 provisions of Sections 1, 2 and 4 through 8 of this act is July
7 1, 2023.

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