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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>HB254</u>	Sponsor	<u>Zamora</u>
Tracking Number	<u>.222981.2</u>	Committee Referrals	<u>HEC/HJC</u>
Short Title	<u>School Marshal Act</u>		
Analyst	<u>Estupiñan</u>	Original Date	<u>2/6/2023</u>
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BILL SUMMARY

Synopsis of Bill

House Bill 254 (HB254) enacts a new section of the Public School Code cited as the “School Marshal Act” and creates a school marshal-training program at the Department of Public Safety. Those who successfully complete the program and who simultaneously hold a license to carry a handgun would be allowed to serve as school marshals in school districts and charter schools.

FISCAL IMPACT

The bill does not have an appropriation.

Many of HB254’s provisions would apply to the Department of Public Safety (DPS), which has submitted an analysis of the potential costs associated with implementing the bill. In its analysis, the department estimated it would require significant appropriations in both personnel and infrastructure to provide the services required in HB254.

Below is an overview of what the department estimates it would need to implement the bill:

- \$973.6 thousand for recruiting and hiring eight full-time employees, including four law enforcement academy instructors, one lawyer, one law enforcement academy instructor manager, one law clerk, and one administrative assistant;
- \$110 thousand for firearms range gear, ballistics vests, eye and ear protection, target stands, targets, and repair/replacement provisions and supplies;
- \$300 thousand in one-time costs for the procurement of a computer-based firearms simulator;
- \$60 thousand in one-time costs for the procurement of a van;
- \$250 thousand for procurement of an ACADIS administrative license;
- \$15 thousand for acquisition of sufficient ammunition;
- \$500 per individual for administering the required psychological testing; and
- \$10 thousand for developing, researching, and deliberating the stand-alone procedures for implementing the bill.

SUBSTANTIVE ISSUES

Below is a section-by-section analysis of HB254's provisions:

Section 1. This section indicates the bill is to be referred to as the School Marshal Act.

Section 2. This section adds a list of definitions to the Public School Code, including:

- Applicant - a school employee who has successfully completed a school marshal training program, is licensed to carry a handgun pursuant to the Concealed Handgun Carry Act, and has applied to be a school marshal;
- Governing body - the governing structure of a charter school as set forth in its charter;
- School marshal - a school employee who has successfully completed a school marshal training program, is licensed to carry a handgun pursuant to the Concealed Handgun Carry Act, and has been selected by the school district to be a school marshal; and
- Trainee - a person who is licensed to carry a handgun pursuant to the Concealed Handgun Carry Act and is a participant in the school marshal training program.

Section 3. This section creates a section in the Public School Code that requires DPS to establish and maintain a school marshal training program. The training program would be open to any employee of a public, private, or charter school who holds a license to carry a handgun issued under the Concealed Handgun Carry Act.

The training program would include eighty hours of instruction designed to:

- Emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;
- Educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;
- Introduce the trainee to effective law enforcement strategies and techniques;
- Improve the trainee's proficiency with a handgun; and
- Enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

The department would be required to consult with a psychologist or psychiatrist to devise and administer a psychological examination to each trainee to determine whether they are psychologically fit to carry out the duties of a school marshal in an emergency shooting or active shooter situation.

A licensed school marshal may renew a school marshal license by:

- Successfully completing a school marshal license renewal course designed and administered by DPS that shall not exceed sixteen hours of combined classroom and simulation training;
- Demonstrating appropriate knowledge on an examination designed and administered by DPS;
- Demonstrating handgun proficiency to the satisfaction of DPS staff; and
- Demonstrating psychological fitness on the psychological examination.

The bill would also require DPS to revoke a person's school marshal license if their license to carry a handgun issued pursuant to the Concealed Handgun Carry Act is suspended or revoked.

Section 4. This section adds language to the Public School Code to specify that a school district may appoint one or more school marshals for each school campus. An employee of a school district or charter school may serve as a school marshal with a provision allowing a school district or charter school to reimburse the amount paid by the applicant to participate in the training program.

School marshals would be allowed to carry a concealed handgun or possess the handgun on the physical premises of a school, provided the handgun is in a locked and secured safe or other secured location. Of note, a school marshal would only be allowed to use a handgun in circumstances that would justify the use of deadly force pursuant to Section 30-2-7 NMSA 1978.

School districts and charter schools would be required to enact relevant policies for the implementation of HB254.

Concerns from DPS. The department has expressed concern about the provisions of HB254 as indicated below:

Of great concern to DPS is the substance of HB254, in which non-certified persons are apparently established as quasi-law enforcement officials, encouraging the use of force or deadly force with handguns. There is an inherent danger to others, including school students, parents, visitors and staff, in encouraging unqualified individuals to act in what amounts to a law enforcement role. DPS also remains significantly concerned regarding the absence of other admission standards including drug testing, physical wellness, or mobility which may expose others, including the school marshal, to serious risk of harm.

The department has also expressed its interest in the bill being amended, as stated below:

Section 3(I) of HB254 calls for DPS to revoke the ability of someone to work as a School Marshal once they have had their concealed carry license suspended or revoked. DPS requests that the bill be amended to provide that DPS can immediately suspend the ability of someone to work as a School Marshal as soon as DPS initiates an action to suspend or revoke their concealed carry license. This will allow for DPS to act quickly to protect school children from having someone acting as a School Marshal who has, for example, recently been arrested for a crime.

ADMINISTRATIVE IMPLICATIONS

According to DPS, designing and implementing the program, as set forth above, would have significant administrative impact. In addition, DPS' Concealed Carry Unit expects to require two additional FTE positions: Management Analyst A and Management Analyst O in order to perform the additional tracking and processing this bill will entail.

SOURCES OF INFORMATION

- LESC Files

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