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HOUSE BILL 193

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Art De La Cruz and Meredith A. Dixon and Alan T. Martinez and
Natalie Figueroa

AN ACT

RELATING TO THE LAW ENFORCEMENT RETENTION FUND; ALLOWING
RETENTION DIFFERENTIAL DISBURSEMENTS FOR FULL-TIME CERTIFIED
LAW ENFORCEMENT OFFICERS WHO HAVE BEEN EMPLOYED BY ONE OR MORE
LAW ENFORCEMENT AGENCIES FOR THE REQUIRED YEARS OF SERVICE;
PROVIDING A NEW RETENTION DIFFERENTIAL DISBURSEMENT FOR FULL-
TIME CERTIFIED LAW ENFORCEMENT OFFICERS WITH TWENTY OR MORE
YEARS OF SERVICE; REQUIRING LAW ENFORCEMENT AGENCIES TO COMPLY
WITH THE LAW ENFORCEMENT TRAINING ACT AND TO SUBMIT ADDITIONAL
INFORMATION TO RECEIVE RETENTION DIFFERENTIAL DISBURSEMENTS;
MAKING AN APPROPRIATION.

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

SECTION 1. Section 9-19-14 NMSA 1978 (being Laws 2022,
Chapter 56, Section 36) is amended to read:

"9-19-14. LAW ENFORCEMENT RETENTION FUND--CREATED--

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1 RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

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

9 (1) retention differential disbursements for
10 full-time certified law enforcement officers meeting certain
11 levels of tenure; and

12 (2) support for disbursement administration
13 processes and reporting compliance.

14 B. Money in the fund shall be disbursed on warrants
15 signed by the secretary of finance and administration pursuant
16 to vouchers signed by the secretary of public safety.

17 C. Contingent on the completion of reporting
18 requirements provided in Subsection [G] H of this section, the
19 department shall determine and distribute annually the amount
20 necessary to provide to a law enforcement agency for the
21 purpose of providing a retention differential disbursement to
22 full-time certified law enforcement officers employed by that
23 law enforcement agency. A law enforcement agency shall expend
24 funding received for no other purpose than that permitted by
25 this section, and any unexpended balance received by a law

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1 enforcement agency pursuant to this section at the end of a
2 fiscal year shall revert to the law enforcement retention fund.
3 The department shall monitor the use of funding and ensure the
4 proper reversions to the law enforcement retention fund.

5 D. A full-time certified law enforcement officer
6 shall be eligible to receive a retention differential
7 disbursement [~~in the amount of five percent of the law~~
8 ~~enforcement officer's salary~~] upon [~~reaching~~] completing four,
9 nine, fourteen and nineteen years of service from the
10 anniversary of the full-time certified law enforcement
11 officer's date of hire with [~~that~~] a law enforcement agency.
12 [~~provided that~~

13 ~~(1) the law enforcement officer remains~~
14 ~~employed as a law enforcement officer with that same law~~
15 ~~enforcement agency for one additional year; and~~

16 ~~(2) the retention differential disbursement~~
17 ~~shall be calculated based on the salary of the law enforcement~~
18 ~~officer on those dates] If the officer remains employed as a
19 full-time certified law enforcement officer at a law
20 enforcement agency for an additional year, then the officer
21 shall receive a retention differential disbursement of five
22 percent of the officer's annual base salary upon completing
23 five years of service, upon completing ten years of service,
24 upon completing fifteen years of service and upon completing
25 twenty years of service.~~

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1 E. Upon completing twenty years of service, a full-
2 time certified law enforcement officer shall become eligible to
3 receive a retention differential disbursement in the amount of
4 five percent of the officer's annual base salary if the officer
5 remains employed as a full-time certified law enforcement
6 officer at the same law enforcement agency for an additional
7 year by completing twenty-one years of service. For each year
8 of service completed after twenty-one years of service, the
9 officer shall receive an annual retention differential
10 disbursement in the amount of five percent of the officer's
11 annual salary, if the officer remains employed as a full-time
12 law enforcement officer at the same law enforcement agency.

13 ~~[E.]~~ F. After the calculations for retention
14 differential disbursements are made in accordance with
15 ~~[Subsection]~~ Subsections D and E of this section, if the
16 balance in the fund is insufficient to permit the total
17 disbursements provided by ~~[Subsection]~~ Subsections D and E of
18 this section, the department shall reduce that allocation to
19 the maximum amount permitted by available money in the fund.

20 ~~[F.]~~ G. The amount provided for a retention
21 differential disbursement shall include the amount of employer
22 tax liabilities, which shall be paid by the employer at the
23 time the retention differential disbursement is provided to the
24 full-time certified law enforcement officer.

25 ~~[G.]~~ H. To receive funding pursuant to Subsection C

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1 of this section, a law enforcement agency shall make that
2 request to the department prior to June 1 of each fiscal year,
3 and in that request, the agency shall report the following:

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

9 (2) the number of full-time certified law
10 enforcement officers employed by the law enforcement agency for
11 the last five years;

12 (3) the number of years of service of each
13 full-time certified law enforcement officer employed by the law
14 enforcement agency;

15 (4) the number of full-time certified law
16 enforcement officers that left the employ of the law
17 enforcement agency in the last year and the stated reasons why
18 each full-time certified law enforcement officer left the
19 employ of the law enforcement agency;

20 (5) the number of years of service of each
21 full-time certified law enforcement officer that left the
22 employ of the law enforcement agency in the last year;

23 (6) the number of applicants to the law
24 enforcement agency in the last year;

25 (7) the number of applicants to the law

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1 enforcement agency in the last year that attended a law
2 enforcement academy;

3 (8) the number of full-time certified law
4 enforcement officers that received one or more certifications
5 in the last year;

6 (9) the number of full-time certified law
7 enforcement officers added to the law enforcement agency via
8 lateral transfer and the years of service of each full-time
9 certified law enforcement officer at each previous law
10 enforcement agency;

11 (10) any changes to compensation, recruiting,
12 retention or benefits implemented by the law enforcement agency
13 in the last year; and

14 (11) any other information that is used for
15 determining retention rates unless disclosure of such
16 information is otherwise prohibited by law.

17 [~~H.~~] I. The department shall:

18 (1) provide forms, standards and procedures
19 and related training to law enforcement agencies as necessary
20 for the agencies to report retention information;

21 (2) maintain the privacy and security of
22 information in accordance with applicable state and federal
23 laws; and

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

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1 J. To receive funding pursuant to Subsection C of
2 this section, a law enforcement agency shall be compliant with
3 the Law Enforcement Training Act at the time the request is
4 made pursuant to Subsection H of this section.

5 K. To receive funding pursuant to Subsection C of
6 this section, a law enforcement agency shall have submitted the
7 agency's most current roster of full-time certified law
8 enforcement officers, including commission dates, to the New
9 Mexico law enforcement academy no later than April 1 of each
10 year.

11 ~~[F.]~~ L. The annual report and other statistical
12 data reports generated by the department ~~[shall include an~~
13 ~~evaluation of a program's efficacy in law enforcement retention~~
14 ~~and]~~ shall be made available to law enforcement agencies and
15 the public.

16 ~~[J.]~~ M. The department shall provide ~~[monthly]~~
17 annual reports to the department of finance and administration
18 and the legislative finance committee about expenditures from
19 the law enforcement retention fund, including an itemized list
20 of expenditures and the balance remaining in the fund.

21 ~~[K.]~~ N. The department may waive reporting
22 information required by a law enforcement agency pursuant to
23 Subsection ~~[G]~~ H of this section; provided that the department
24 shall provide an explanation of its decision in writing.

25 ~~[L.]~~ O. The department shall submit an annual

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1 report providing information collected pursuant to Subsection
2 [G] H of this section to the governor and the legislature no
3 later than December 15 of each year.

4 [~~M.~~] P. As used in this section:

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

11 [~~(1)~~] (2) "law enforcement agency" means an
12 agency of the state or local political subdivision of the state
13 that employs certified law enforcement officers or the police
14 department of a tribe that has entered into an agreement with
15 the department pursuant to Section 29-1-11 NMSA 1978; and

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

22 (3) "retention differential disbursement"
23 means the amount disbursed from the law enforcement retention
24 fund based on a full-time certified law enforcement officer's
25 service at a law enforcement agency but is not considered

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1 salary for the purpose of calculating retirement benefits."

2 SECTION 2. APPROPRIATION.--One million dollars
3 (\$1,000,000) is appropriated from the general fund to the law
4 enforcement protection fund for expenditure in fiscal year 2025
5 and subsequent fiscal years for the annual cost difference to
6 implement retention differential disbursements. Any unexpended
7 or unencumbered balance remaining at the end of a fiscal year
8 shall not revert to the general fund.

9 SECTION 3. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2024.