

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 101 amends Section 1-20-24 NMSA 1978, regarding unlawful possession of a firearm at a polling place, to provide an exception for a “commissioned law enforcement officer with the power to arrest” that mirrors the existing exception for a certified law enforcement officer.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

HB 101 does not provide a definition of “commissioned law enforcement officer” and the existing Section 1-20-24 NMSA 1978 does not provide a definition of “certified law enforcement officer”. It is unclear in the proposed text and elsewhere in the New Mexico Statutes Annotated 1978 what would be the distinction between the two. Section 29-7-7 NMSA 1978, which provides definitions for the purpose of the Law Enforcement Training Act, defines “police officer” as follows:

“‘police officer’ means any commissioned employee of a law enforcement agency that is part of or administered by the state or any political subdivision of the state, and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional law enforcement training facility and who is currently certifiable by the academy, which employee is responsible for the prevention and detection of crime or the enforcement of the penal, or traffic or highway laws of this state. The term specifically includes deputy sheriffs. Sheriffs are eligible to attend the academy and are eligible to receive certification as provided in the Law Enforcement Training Act. As used in this subsection, “commissioned” means an employee of a law enforcement agency who is authorized by a sheriff or chief of police to apprehend, arrest and bring before the court all violators within the law enforcement agency’s jurisdiction[.]”

Based upon this definition, it seems that all police officers are commissioned even if not all commissioned officers are certified, and thus that specifying both “commissioned law enforcement officer with the power to arrest” and “certified law enforcement officer” separately may be redundant.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS