

LFC Requester:	Sunny Liu
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/21/2025 *Check all that apply:*
Bill Number: HB485 Original Correction
 Amendment Substitute

Sponsor: Stefani Lord and John Block **Agency Name and Code Number:** New Mexico Public Schools Insurance Authority 34200
Person Writing Dominique Williams **Email** Dominique.williams@psia.nm.gov
Short Title: SCHOOL MARSHAL ACT **Phone:** 505-469-5541 :

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB485 titled the "School Marshal Act," proposes a formal program that allows public, and charter, schools to hire school marshals. These marshals are meant to enhance school safety by intervening in emergencies that threaten serious bodily harm or death. The act is set to take effect on July 1, 2025.

A school marshal* (see definition below) must be a retired or former law enforcement officer with at least three years of certified experience, who left in good standing. They must hold a valid license to carry a concealed firearm* (see definition below) with approval from the local school board and the Public Schools Insurance Authority. School marshals must be trained through the New Mexico law enforcement academy or a program approved by that academy. A new training curriculum will be developed by the Law Enforcement Training Council, which must cover basic law enforcement skills such as firearms training, first aid, and defensive tactics. The department and Public Schools Insurance Authority shall approve one or more school security personnel and firearms training programs. Approved programs must include working with students with special needs, cultural competency and prohibited profiling practices. The department of public safety shall make recommendations for firearms training.

A school marshal's role is strictly limited to intervening in incidents where there is an imminent threat to life or serious bodily injury on school property. The local school boards must verify that each school marshal meets all the required qualifications. The local school boards, in consultation with the Public Schools Insurance Authority, must develop and enforce policies detailing how a school marshal should handle, store, and carry their firearm. The local school board shall submit every school marshal's name, date of birth and address of the school marshal's place of employment to the Public Schools Insurance Authority, the law enforcement certification board, and all applicable law enforcement and safety agencies in the school district, including tribal enforcement agencies.

Prior to employment, a school marshal must pass a physical and psychological evaluation as prescribed by the department in consultation with the Public Schools Insurance Authority to determine suitability. The law explicitly states that school marshals are not allowed to accrue retirement benefits under standard educational or public employees' retirement systems. Their status can be terminated if they lose their concealed carry license, are disciplined for misconduct, or if they no longer meet the required qualifications.

HB485 Amendments:

The bill amends current state law regarding school security personnel. It redefines key terms and sets strict guidelines for background checks, training, and the permitted use of firearms. It also clarifies that while carrying a deadly weapon on school premises is generally unlawful, school marshals (and similarly authorized personnel) are exempt from this rule when they act under the guidelines set forth in the bill.

Definitions:

- "firearm" means a handgun recommended by the department of public safety and authorized by the Public Schools Insurance Authority.
- "school marshal" means a retired or former certified and commissioned law enforcement officer who was certified and commissioned for no less than three years and left law enforcement in good standing and who is employed by a school district.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

SECTION 6. Section 22-10A-40 NMSA 1978 (being Laws 2019, Chapter 189, Section 3) is amended to read: "22-10A-40. SCHOOL SECURITY PERSONNEL--DEFINITIONS-REQUIRED TRAINING

- A. (5) "school security personnel" means retired or former certified and commissioned law enforcement officers who are employed by or **on contract** with a school district and authorized by department rules and local school board policy to carry a firearm on school premises and includes school marshals .

Does "on contract with" mean an authorized Level Three Security Guard under Section 16.48.2.19 - level three security guard applicant qualifications and experience requirements?

If so, 30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL PREMISES.

- A. Unlawful carrying of a deadly weapon on school premises consists of carrying a deadly weapon on school premises except by: (1) a peace officer; (2) school security personnel or a school marshal or other law enforcement officer.

This section would not allow a level 3 Contract Security Guard from carrying a weapon.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS