

LFC Requester:	Scott Sanchez
-----------------------	----------------------

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: 1/29/2025 *Check all that apply:*
Bill Number: HJR 7 Original Correction
 Amendment Substitute

Sponsor: Alan T. Martinez, Andrea Reeb,
 Art De La Cruz
 and William A. Hall II **Agency Name
 and Code** 790 – Department of Public Safety
Number:
Short Title: No County Sheriff Term Limits **Person Writing** Louise Riebe
Phone: 505-827- **Email:** Louise.Riebe@dps.nm

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	Recurring	DFA LEPF to DPS LERF

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(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	NFI	Indeterminate	Indeterminate	Indeterminate	Recurring	DFA LEPF to DPS LERF

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

House Joint Resolution 7 proposes an amendment to the New Mexico Constitution that would allow county sheriffs to serve an unlimited number of consecutive four-year terms. Currently, county officers, including sheriffs, are limited to two consecutive four-year terms before becoming ineligible for county office for two years. This resolution removes that restriction specifically for sheriffs, enabling them to run for re-election without term limits. If approved by the legislature, the proposed amendment would be placed on the ballot for voter approval at the next general election or a special election. The change would provide counties the option to retain experienced sheriffs for extended periods, potentially impacting law enforcement leadership stability and continuity at the county level.

FISCAL IMPLICATIONS

The Department of Public Safety (DPS) is the administrator of the Law Enforcement Retention Fund (LERF) as authorized in 2022 HB 68 Section 36 and amended in 2024 HB 193:

A law enforcement officer shall receive a retention differential disbursement in the amount of five percent of the law enforcement officer's salary upon reaching four, nine, fourteen, nineteen, or 20+ years of service from the anniversary of the law enforcement officer's date of hire with that law enforcement agency; provided that:

1. All officers must be certified and employed full-time. Non-certified and part-time employment is no longer eligible for service credit consideration;
2. Lateral hires and reinstatements can claim full credit for total law enforcement experience in New Mexico provided it is both certified and full-time; and
3. Eligible officers on all steps must remain employed with their current agency for an additional year and will receive payment upon reaching their anniversary dates.

Sheriff Offices are eligible to submit applications each year, and to include their elected sheriffs for consideration.

Sheriff Office applications have increased over the three (3) years that LERF has been active:

Year 1	FY 2023	13 Applications
Year 2	FY 2024	21 Applications
Year 3	FY 2025	24 Applications

As it is difficult to predict how many additional Sheriff Offices will apply in Year 4 and future years, and how many affected sheriffs would run for a third term if this proposal is enacted, there will be an impact to future LERF distributions, but the retention payment cost is indeterminate at this time.

SIGNIFICANT ISSUES

Currently, county officers, including sheriffs, are limited to two (2) consecutive four-year terms before becoming ineligible for county office for two (2) years. This resolution removes that restriction specifically for

sheriffs, enabling them to run for re-election without term limits. If approved by the Legislature, the proposed amendment would be placed on the ballot for voter approval at the next general election or a special election.

An amendment to this section proposed by H.J.R. No. 9 (Laws 1957), would have increased the term of office to four years and removed the limitation of the number of terms the county officers may serve, was submitted to the people at the general election held on November 4, 1958. It was defeated by a vote of 41,443 for and 44,442 against.

An amendment to this section, proposed by S.J.R. No. 2 (Laws 1982), would have inserted "except sheriffs" following "officers" in the first sentence and would have added a second sentence which would have read "Sheriffs shall be eligible to hold the office of sheriff for an unlimited number of consecutive two-year terms," was submitted to the people at the general election held on November 2, 1982. It was defeated by a vote of 109,611 for and 142,871 against.

Times have changed, and what matters to the people of New Mexico has shifted since 1957 and 1982. Currently, significant portions of New Mexico citizens support legislation to reduce violent crime in our state.

PERFORMANCE IMPLICATIONS

The change would provide counties the option to retain experienced sheriffs for extended periods, potentially impacting law enforcement leadership stability and continuity at this level as historical job loss is devastating and takes time to replace.

ADMINISTRATIVE IMPLICATIONS

All officers, including county sheriffs, must comply with the Law Enforcement Training Act 29-7-7.1 NMSA 1978:

“A. In-service law enforcement training consists of at least forty hours of academic instruction, approved by the board, for each certified police officer during each twenty-four month period of employment or service with a political subdivision. The first training course shall commence no later than twelve months after graduation from an approved basic law enforcement training program.

B. All certified police officers who are eligible for in-service training shall, during each twenty-four month period of employment, complete a minimum of forty hours of in-service law enforcement training in courses approved by the board. All certified police officers shall provide proof of completing in-service law enforcement training requirements to the director no later than March 1 of the year in which the requirements must be met. The director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. Failure to complete in-service law enforcement training requirements may be grounds for suspension of a certified police officer's certification. A police officer's certification may be reinstated by the board when the police officer presents the board with evidence of satisfying in-service law enforcement training requirements.”

County sheriffs are also subject to the requirements of 29-7-6.1 NMSA 1978:

“A. Every county sheriff, except sheriffs who have previously been awarded a certificate attesting to completion of a basic law enforcement training program, shall participate in and complete an administrative law enforcement training program no later than twelve months after the date he assumes office as a county sheriff.

B. The director of the training and recruiting division of the department of public safety shall establish the administrative law enforcement training program for county sheriffs, subject to review and approval by the executive committee of the sheriff's affiliate of the New Mexico association of counties.

C. A county sheriff's per diem, mileage and tuition expenses attributed to attendance at the administrative law

enforcement training shall be paid for by the governing body of the county served by that sheriff.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for DPS.

TECHNICAL ISSUES

None for DPS.

OTHER SUBSTANTIVE ISSUES

None for DPS.

ALTERNATIVES

None for DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Elected sheriffs will continue to be limited to two (2) consecutive four-year terms, then wait for two (2) years before they can run for office again.

AMENDMENTS

None proposed by DPS.