

LFC Requester:

Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/11/25 *Check all that apply:*
Bill Number: SB 50 Original Correction
Amendment Substitute

Sponsor: Sen. Maestas **Agency Name and Code Number:** NM DoIT - 361
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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)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Section 1 of Senate Bill 50 (SB 50) would add “telecommunicators” to the Law Enforcement Retention Fund, Section 9-19-14 NMSA 1978. It would also add language making the fund applicable to law enforcement “or safety” agencies. A definition of “safety agency” would be added to the statute, meaning, “a unit of state or local government, a special purpose district or a private business that provides police, firefighting or emergency medical services;” as well as a definition of “telecommunicator” meaning, “an employee or volunteer of a safety agency who: (a) receives calls or dispatches the appropriate personnel or equipment in response to calls for police, fire or medical services; and (b) makes decisions affecting the life, health or welfare of the public or safety employees.”

Section 2 of SB 50 would amend Section 29-7-2 NMSA 1978, to establish the New Mexico Law Enforcement Academy “as a division within the department of public safety” to provide a planned program of basic law enforcement training and “required continuing education for certification for police officers and telecommunicators, as well as a continuum of educational options for advanced, specialized and executive police practice throughout the state. The academy shall apply the standards set by the council for certification of new satellite training academies and re-certification at least every three years.”

Section 3 of SB 50 would amend Section 29-7-3 NMSA 1978, to:

1. Remove language specifying that the law enforcement training academy shall provide staffing for the law enforcement standards and training council (the council).
2. Specify that the council shall “have oversight for all police officer and public safety telecommunicators standards, training and educational requirements.”
3. Specify that “the council shall develop standards and certification requirements for regional satellite training academies. The standards shall be consistent with accreditation standards for the academy and shall be reviewed and updated at least every five years.”
4. Specify that “the council shall develop all law enforcement education programs. All programs listed in this section shall be independently reviewed at least every five years, except that required continuing education programs shall be reviewed every two years, and the annual legal update shall be reviewed annually. Reviews shall ensure that all programs conform to evidence-based standards and national best practices.”
5. Require that “with the exception of physical fitness, equipment and technology instruction, the programs shall:
 - a. represent current information and state-of-the-art, evidence-based best practice;
 - b. include an appropriate amount of time to integrate knowledge and skills with scenario-based or situation-based applications;
 - c. be delivered either in-person or online with faculty availability to students throughout the course;
 - d. make effective use of simulation systems or live actors;
 - e. require police officers to complete a brief evaluation for anonymous submission to the academy upon completion of any session; and

- f. test using best practices for adult learning, including use of scenario-based and situation-based questions. Multiple choice questions, true-or-false questions and yes-or-no questions shall be limited to factual information and comprise no more than twenty-five percent of the score.”
6. Require the council to “hire a director and support staff to carry out the mission of the council and serve as the office that supports the work of the council. The director and staff shall conduct research and may contract with outside experts to complete the council's work.”
7. Change the membership of the council as follows:
 - a. The director of the academy who will serve ex officio “as a nonvoting member;”
 - b. “Three directors of regional satellite law enforcement academies, who shall serve rotating terms representing different regions of the state;”
 - c. An attorney employed by the Public Defender Department “or an attorney who practices criminal defense;”
 - d. Two New Mexico state-certified public safety telecommunicators, one of whom shall be “a director of emergency management, from different regions” of the state;
 - e. Removing two members who have experience and specialize in providing adult education;
 - f. Two citizen-at-large members “representing different regions of the state;”
 - g. A sheriff “who shall serve as a liaison to the New Mexico sheriffs' association;”
 - h. Removing a municipal law enforcement manager who is a New Mexico-state certified law enforcement officer in a command position;
 - i. “One municipal police chief certified as a police officer, who shall serve as a liaison to the police chiefs association;”
 - j. “Two faculty members from a public or private post-secondary educational institution's criminal justice program;” and
 - k. “One behavioral health expert.”
8. Add the following requirements:
 - a. “Except for certified law enforcement academy directors and members requiring certification as a police officer or public safety telecommunicator, other members shall have no familial or financial connection to an active or retired police officer or public safety telecommunicator or any agency or department for which a police officer or public safety telecommunicator works.
 - b. Members of the council may be reappointed. Members of the council shall elect the chair of the council.”
9. Specify that “The council shall adopt, publish and file, in accordance with the provisions of the State Rules Act, all rules concerning the implementation and enforcement of this section.”

Section 4 of SB 50 would amend Section 29-7-4.3 NMSA 1978 to:

1. Remove the specification that the department of public safety provide administrative services for the law enforcement certification board (the board) and the law enforcement certification office.
2. Remove the requirement that the Governor receive the advice and consent of the senate when making appointments to the board, require the board to elect a chair and vice chair, and specify that no more than seven members of the board shall be members of the same political party.
3. Make the following changes to the membership of the board:
 - a. Change from a retired district judge, who serves as chair of the board to “an attorney

- with judicial experience;” and
- b. Change the term “law enforcement” to “police” officer.
- 4. Remove language referencing the confirmation of the board members by the senate.
- 5. Specify that the board shall have authority to:
 - a. Deny “admission to a certification program;”
 - b. Suspend or revoke a police officer's certification “with evidence demonstrating probable cause that continued performance represents a threat to public safety, including the potential for imminent harm to others or agency liability;” and a telecommunicator's certification “with evidence demonstrating probable cause that continued performance represents a threat to public safety, including the potential for imminent harm to others or agency liability;” and
 - c. Determine the fitness of a police officer to execute “assigned” duties; or (b) “public safety telecommunicator to execute assigned duties.”
- 6. Specify that “the chief executive officer and staff shall function with complete independence of the department of public safety and shall have the chief executive officer's own budget and budget authority.”

Section 5 of SB 50 would amend Section 29-7-4.4 NMSA 1978, to change the curriculum of each basic law enforcement training, as follows:

1. Require the program certification as a police officer to be determined by the council based on:
 - a. “the required updated job task analysis for police officers conducted every five years; and
 - b. a comprehensive set of topics based on evidence- and science-based national best practices that address:
 - i. all core skills and knowledge for which proficiency is required;
 - ii. integrated application of knowledge and skills in typical situations faced by new police officers;
 - iii. integrated application of knowledge and skills in high-risk and high-liability situations encountered by police officers;
 - iv. use of knowledge and skills in complex settings with multiple responding police officers;
 - v. minimizing risk and liability at any scene;
 - vi. respect for all persons regardless of race, color, national origin, gender, disability status or language;
 - vii. attention to police officer wellness;
 - viii. new challenges in police practice that may vary by locality; and
 - ix. all weapons and technology available to most police officers at the time.”
2. “The academy shall design and implement, and update with national standards, with oversight and approval of the council, the following programs:
 - a. basic police officer certification training;
 - b. basic public safety telecommunicator certification training;
 - c. certification by waiver for experienced police officers from other states or federal agencies;
 - d. general instructor certification credentialing for police officers;
 - e. general instructor certification credentialing for public safety telecommunicators;
 - f. continuing education requirements;
 - g. field training officer certification by July 1, 2027;
 - h. executive certification training by July 1, 2028;
 - i. specialty law enforcement training by July 1, 2027;

- j. specialty faculty credentialing by July 1, 2027;
 - k. advanced law enforcement training by July 1, 2027;
 - l. advanced faculty credentialing by July 1, 2027; and
 - m. advanced public safety telecommunicator training by July 1, 2028.
3. All curricula approved and in use shall be published to the academy's website and shall be up-to-date at all times before any classes begin. Curricula shall not be published in the New Mexico Administrative Code.
4. The academy shall offer all certified police officers, on the website of the division, an up-to-date, online catalog of application material for courses regarding law enforcement, criminal justice and related courses offered by New Mexico state-funded colleges and universities.
5. The council shall research national programs and educational approaches and convene experts to recommend standards, content, methods and hours for any topics.
6. The council director and staff shall have expertise in adult education and curriculum development and shall use contracted resources to bring national expertise to the work of the council. Curricula shall be field tested and evaluated by the academy and regional satellite academies.
7. With the exception of physical fitness, equipment and technology instruction, all police and public safety telecommunicator basic training and education, continuing education and faculty credentialing programs shall meet the following criteria:
 - a. provide clear objectives;
 - b. articulate the importance, risks, liabilities and potential stakes of inadequate performance;
 - c. represent current information and state-of-the-art, evidence-based national best practices;
 - d. include references to science and evidence basis, relevant law and legal precedent;
 - e. incorporate an individual's performance with that of the law enforcement team in achieving desired outcomes;
 - f. identify risks related to civil rights violations and adapt to behavioral health and disability issues and ethical considerations;
 - g. address adult learning principles explicitly to promote:
 - i. active thinking, rather than acting out of habit;
 - ii. self-monitoring for implicit bias;
 - iii. concentration and intentionality of action;
 - iv. awareness of environment and collateral damage or harm;
 - v. critical observation to preserve evidence; and
 - vi. cooperation and coordination within each team;
 - h. specify the level of proficiency and performance required for certification; and
 - i. include an appropriate amount of time to integrate knowledge and skills with scenario-based or situation-based applications appropriate to student experience.
8. Regional satellite law enforcement academies shall demonstrate equivalence of all required curriculum approved for the academy. Regional satellite academies may develop their own curricula in addition to that required and approved for the academy, but all curricula must meet the criteria set forth in Subsection G of this section. All satellite academy curricula shall be published and kept current on the satellite academy's website.”

Section 6 of SB 50 would amend Section 29-7-5 NMSA 1978 to remove language specifying that the director of the law enforcement academy would be under the supervision and direction of the secretary of public safety.

Section 7 of SB 50 would add definitions to Section 29-7-7 NMSA 1978 to include:

- “‘Continuing education’ means a program of instruction that is required by all police officers or public safety telecommunicators designed to refresh critical core skills and to introduce updated science- and evidence-based national best practices most relevant to job performance and an individual's experience in the field. Part of the program may be required of all police officers or public safety telecommunicators, while other parts may be adapted to specific job, experience and agency. Continuing education requirements may be met through any regional certified law enforcement academy, by a credentialed faculty within an agency or by a pre-approved substitution of college credit for comparable content.”
- “‘Conviction’ means an adjudication of guilt and includes sentences that are suspended or deferred.”
- Remove the definition of “in-service law enforcement training”.
- “‘Faculty certification’ means certification in a program that ensures proficiency in relevant skills, knowledge and integration in practice as well as continuing education in teaching law enforcement professionals to use appropriate adult education methods based on national best practices and accepted adult education standards, also referred to as credentialing.”
- “‘Job task analysis’ means a research-based assessment of the most current scope of practice for a specific professional position, such as police officer or public safety telecommunicator.”
- “‘Performance’ means expected standards that demonstrate the integration of knowledge and practice in application to the situations likely to be encountered in a specific law enforcement position. Performance standards shall be specified in relation to certification, and law enforcement agencies may specify additional performance standards for employees.”
- “‘Police officer’ means a commissioned employee of a law enforcement agency that is part of or administered by the state or a political subdivision of the state, which employee is responsible for enforcing laws, maintaining public order, investigating crimes, testifying in court and building public trust”
- “‘Proficiency’ means meeting expected standards for a specific skill.”
- “‘Safety agency’ means a unit of state or local government or political subdivision that provides police, firefighting or emergency medical services”
- “‘Satellite academy’ means a certified law enforcement training facility within the state that is certified to meet standards set by the council and for which compliance with standards is determined at least once every three years by the academy.”
- “‘Telecommunicator’ means an employee or volunteer of a safety agency who: (1) receives calls or dispatches the appropriate personnel or equipment in response to calls for police, fire or medical services; and (2) makes decisions affecting the life, health or welfare of the public or safety agency employees.”
- “‘Training’ means a program of core knowledge and skills required for initial certification in a law enforcement position.”

Section 8 of SB 50 amends parts of Section 29-11-5 NMSA 1978 to replace the term “criminal justice” with “corrections” department, “law enforcement” with “police,” and remove the requirement for the training of law enforcement officers in the proper treatment of victims of sexual crimes and collection of evidence and coordination among agencies to be incorporated in the regular training program for recruits.

Section 9 of SB 50 would amend Section 29-13-6 NMSA 1978 to allow the council to notify the state treasurer to withhold funds, from the law enforcement protection fund, to any governmental entity “that loses or fails to achieve accreditation as provided in Section 10 of this 2025 act.” It would also add the following new language: “To facilitate satellite academies coming into compliance with modernized and expanded curricula, additional funding may be needed to acquire equipment, licenses or other resources to ensure the required level of integration and simulation capacity. A satellite academy that requires additional resources may submit a request for funding for up to three years, in amounts less than one hundred thousand dollars (\$100,000). An applicant shall explain why the applicant's sponsoring organization is unable to meet specific requirements and shall be required to submit a commitment from the applicant's sponsoring agency to build the ongoing operating cost into the applicant's budget.”

Section 10 of SB 50 would add new material, as follows:

- A. “The director shall apply for and ensure national accreditation of the academy through the commission on accreditation for law enforcement agencies no later than January 1, 2029.
- B. The council shall review accreditation standards and select those most appropriate to the certified satellite academies, and these standards shall be integrated into certification standards for those organizations.
- C. The academy and a satellite academy are ineligible for funds distributed by the law enforcement protection fund when accreditation or certification is lost.”

Section 11 of SB 50 would make a recurring appropriation of \$200,000 to the department of public safety “for job task analysis, assessment and recommendations to modernize public safety telecommunicator training, in particular to conform to new technology and crisis behavioral health help-line and alternative response unit services.” \$400,000 recurring appropriation to the department “for contractor curriculum development and testing to implement public safety telecommunicator training.” And \$400,000 recurring appropriation to the department “for contractor curriculum development for new in-service training programs for all police officers.” These appropriations would be non-reverting.

Section 12 of SB 50 would repeal Sections 29-7-4.1, 29-7-4.2, 29-7-5, 29-7-7.3 through 29-7-7.5, 29-7-7.7, 29-20-3 and 31-18B-5 NMSA 1978 (being Laws 2002, Chapter 34, Section 3 and Laws 2002, Chapter 35, Section 3; Laws 2011, Chapter 49, Section 1; Laws 1969, Chapter 264, Section 7; Laws 2007, Chapter 89, Section 1; Laws 2010, Chapter 33, Section 1; Laws 2011, Chapter 180, Section 1; Laws 2017, Chapter 35, Section 1; Laws 2003, Chapter 260, Section 3; and Laws 2003, Chapter 384, Section 5, as amended).

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

DoIT does not employ telecommunicators as defined by SB 50 or the current requirements of the Law Enforcement Training Act, because DoIT is not a “safety agency” and does not receive calls and dispatch the appropriate personnel or equipment in response to calls for police, fire or medical services. However, DoIT does employ personnel who dispatch service technicians to

remote radio towers and service calls for maintenance and repairs to state public safety radio equipment. Although DoIT's dispatchers do not fall under the requirements of safety agency telecommunicators, DoIT has sent its dispatchers to the law enforcement training academy in the past and would like to continue to do so. DoIT dispatchers currently are not required to complete the academy telecommunicators training, because they do not work for a safety agency. However, DoIT and other, non-safety agencies should be allowed to have their public employees benefit from telecommunicator trainings.

Telecommunications training improves the services provided by DoIT dispatchers by strengthening communication and coordination between safety agencies and the DoIT personnel who maintain the state radio telecommunications network. DoIT also provides an entry level dispatcher experience that expands the pool of potential telecommunicators for which there is a critical shortage in New Mexico. Allowing DoIT dispatchers to attend telecommunicator training would not require any additional appropriation to the law enforcement protection fund or law enforcement retention fund, but instead expands this critical sector labor pool at no additional cost to the State. DoIT therefore seeks statutory authority to allow its dispatchers the option to audit telecommunicator training courses offered by the Academy on a space available basis when the training would benefit the state by improve the knowledge, skills and abilities of a dispatcher. Any such training would be optional to DoIT and to the Dispatcher.

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

Require the board and council to consider requests from non-safety agencies for non-safety telecommunicators to attend academy training programs.

Amend Section 2 of the bill by adding the following language:

The academy shall, on a space available basis, allow a state employee who performs telecommunication activities for a non-safety agency to audit telecommunicator training at the request of that employee's agency head.