

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 02/07/2025 *Check all that apply:*  
**Bill Number:** SB 306 Original  Correction   
 Amendment  Substitute

**Sponsor:** L. Stefanics, J. Sanchez **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** Start up of new police departments in Valencia County **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(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**

Senate Bill 306 (SB 306) appropriates \$1 million (GF) to the Local Government Division of the Department of Finance and Administration for use in FY 2026 for start-up costs for new police departments in communities within Valencia County with populations of up to 5,000.

### **FISCAL IMPLICATIONS**

The addition of new police departments would result in additional police, hence additional training provided by the NM Law Enforcement Academy (LEA). This enhancement, however, would not likely result in any over extensions of existing resources. Therefore, there would be no fiscal impact during this initial stage, if implemented.

### **SIGNIFICANT ISSUES**

Establishing new police departments requires adherence to state and federal law enforcement regulations. Thus, these new law enforcement agencies would have significant legwork in order to be in compliance.

These new law enforcement agencies will need to meet the requirements of the Law Enforcement Training Act, NMSA 1978, Section 29-7-1, *et. seq.*, which governs law enforcement certification and training.

Additionally, it would be necessary for these new law enforcement agencies to be in compliance with the bevy of federal laws and regulations that govern law enforcement agencies. For instance, the new law enforcement agencies would need to comply with the complex laws and regulations relating to access and sharing of confidential information as a “criminal justice agency.”

The FBI Criminal Justice Information Services (CJIS) Division’s main authority for obtaining and sharing information is Title 28, United States Code, Section (§) 534. The regulations that apply to this statute are found in Part 20 of Title 28 of the Code of Federal Regulations (C.F.R.). Specifically, 28 C.F.R. §20.33, authorizes criminal history record information (CHRI) from the Interstate Identification System (III) to be made available to governmental criminal justice agencies performing the administration of criminal justice and to other recipients for specified purposes. Even though these regulations expressly identify CHRI residing in III, they also apply to the National Crime Information Center information. *See id.* at § 20.20(a).

When construing the regulations, the definitions of a ‘criminal justice agency’ in 28 C.F.R. §20.3(g) and the administration of criminal justice in §20.3(b) are considered together. When evaluating an agency’s request for access to CJIS Division systems, pursuant to Title 28 C.F.R. Part 20, an agency or a criminal justice/law enforcement subunit must fulfill the definition of a criminal justice agency performing the administration of criminal justice. The administration of criminal justice is defined as the performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

Moreover, the new law enforcement agencies would need to consider any private contractors that work with them. Provisions to 28 C.F.R. Part 20 permit access by private contractors pursuant to an agreement with a governmental criminal justice agency for the specific purpose of providing services for the administration of criminal justice to the contracted governmental entity.

These new law enforcement agencies would also need to be structured in a way to facilitate obtaining and maintaining access to these federal databases. The CJIS Division operates its systems under a shared management concept with various state and federal users. The CJIS Division works with state and federal CJIS Systems Agencies (CSAs), which are responsible for evaluating users' requests for information or access to

systems managed by the CJIS Division. Each CSA has a CJIS Systems Officer (CSO), which serves as the agency's primary point of contact for access to CJIS Division systems.

Prior to submitting an official request to the CJIS Division, the CSO must determine if an agency is or may be authorized to access CJIS Division systems. The CSO must submit the following information for all requests for access to CJIS Division systems.

- Complete name of the requesting agency.
- Complete mailing address of the requesting agency.
- County of the requesting agency.
- Telephone number of the requesting agency.
- Fax number of the requesting agency, if available.
- Documentation establishing the agency pursuant to an executive order, statute, or ordinance.
- Documentation establishing a criminal justice/law enforcement subunit pursuant to an executive order, statute, ordinance or official administrative action.
- The criminal justice duties, functions, and powers (as it relates to the C.F.R.), as well as the statutory authority granting these powers specifically for the agency or the established criminal justice/law enforcement subunit.
  - The documentation for the duties, functions and powers of the agency or the criminal justice/law enforcement subunit must fall within the definition of the administration of criminal justice.
  - The documentation must confirm these functions as primary.
  - The documentation should include a listing of the types of criminal cases handled over the course of the last six months to a year.
- Organizational chart for the agency or the criminal justice/law enforcement subunit.
  - If the request is for a criminal justice/law enforcement subunit, the subunit should be specifically identified within the organizational chart.
- A budget, specifically for the agency or the criminal justice/law enforcement subunit, that demonstrates more than 50 percent of the budget, time, functions, and resources are allocated to the detection and investigation of persons engaged in or alleged to be engaged in specific criminal activity.
  - If the request is for a criminal justice/law enforcement subunit, the budgetary information must be specific to the subunit rather than to the overall agency. If there is not a separate budget for the subunit, a detailed explanation that all funds or more than 50 percent of the funds allocated to the subunit is spent on the administration of criminal justice such as the detection and investigation of persons engaged in or alleged to be engaged in specific criminal activity may suffice.
  - A list of the specific types of criminal cases handled must be included with the explanation, to illustrate how funds are allocated.
- If applicable, documentation indicating the employees of the agency, or the criminal justice/law enforcement subunit, has been granted arrest powers pursuant to a statute and meets the training requirements established by law or ordinance.
- A copy of the statute granting these powers must be included, as well as copies of the law enforcement training certifications may be submitted.
  - The power of arrest, in and of itself, does not authorize access to CJIS Division systems, rather the agency must be performing a criminal justice function as a primary duty.
  - The power of arrest must be statutorily authorized as part of the agency's criminal justice authorities not from previous employment.
- In addition to the above required information, if the request is for a private contractor, under §20.33(a)(7), that has a contractual obligation to provide services for the administration of criminal justice to a governmental criminal justice agency, the CSO must also include the following documentation:

- A current agreement with a governmental criminal justice agency that includes the following:
  - The contract must be between the private contractor and the governmental criminal justice agency.
  - If not set forth in the contract, a statement identifying the administration of criminal justice duties and functions that the private contractor is carrying out.
  - The CJIS Security addendum must be incorporated by reference into the contract or otherwise made part of the contract.
  - A copy of or a notation indicating the certification have been signed by each corporate representative that will have access.
- The CJIS Division does not have the authority to review requests for access to state or federal information systems, which are not maintained by the CJIS Division. For further information regarding non-FBI CJIS Division systems, please contact the appropriate state or federal CSO.

Compliance with FBI CJIS Security Policy for accessing federal databases such as NCIC is mandatory. The new agency would also need to coordinate with DPS LERB for access to the automated fingerprinting identification systems (AFIS), along with access to other federal databases through DPS.

The new agency would need to be integrated into statewide reporting systems, including the Uniform Crime Reporting (UCR) Program and National Incident-Based Reporting System (NIBRS), both of which are required under 28 U.S.C. § 534.

#### **PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

#### **ADMINISTRATIVE IMPLICATIONS**

Department of Public Safety's (DPS) Law Enforcement Records Bureau (LERB) would need to facilitate the onboarding of these new agencies into New Mexico's Law Enforcement Records Bureau system to ensure consistency in crime data reporting. LERB would also facilitate dialogue with the Federal Bureau of Investigation (FBI) to secure Originating Agency Identifier (ORI) assignments, establish connectivity to the National Crime Information Center (NCIC) and Automated Fingerprint Identification System (AFIS), and integrate Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) reporting. There are no fiscal implications for DPS LERB, as existing resources would support these integration efforts without additional funding requirements.

The addition of new police departments would result in additional police, which would require additional training provided by the Law Enforcement Academy (LEA).

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

#### **TECHNICAL ISSUES**

No technical issues to DPS.

#### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

#### **ALTERNATIVES**

Not applicable as no impact to DPS.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain.

**AMENDMENTS**

None at this time.