

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 02/14/2025

Check all that apply:

Bill Number: SB 364

Original Correction
Amendment Substitute

Sponsor: Sen. Cindy Nava Rep. Javier
Martinez Sen. Craig W. Brandt Sen.
Michael Padilla Sen. Joseph
Cervantes

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Analysis: Blaine N. Moffatt

Short Title: LAW ENFORCEMENT
QUALIFICATIONS

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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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: Senate Bill 364 (“SB364”) proposes language to amend different sections within the Law Enforcement Act, NMSA 1978, Chapter 29. Such amendments would create more gender-neutral terms for officers and allow those authorized to work in the United States to be eligible to be Police Officers and not just United States Citizens.

Section 1:

Subsection A of Senate Bill 364 (“SB364”) proposes to amend NMSA 1978, Section 29-1-9 APPOINTMENT OF PEACE OFFICERS – CITIZENSHIP CERTIFICATE OF APPOINTMENT – EXCEPTIONS by replacing the term “Policemen” to “police officers.” SB364 also proposes to include those that are “authorized to work by the United States citizenship and immigration services,” instead of limiting legal appointments only to United States citizens.

Section 2: SB364 proposes to amend NMSA 1978, Section 29-2-6 QUALIFICATIONS OF MEMBERS by adding in Subsection (A)(1) “at the time of their appointment, be citizens of the United States or be authorized to work by the United States citizenship and immigration services;”

Section 3: SB364 proposes to amend NMSA 1978, Section 29-7-6 QUALIFICATIONS FOR CERTIFICATION by changing the words “he” to “the applicant.” Additionally, SB364 proposes to amend language that would allow those that have “been authorized to work by the United States citizenship and immigration services” to be eligible for certification.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship:

Senate Bill 50: Relating to Law Enforcement: adding telecommunications to the law enforcement retention fund, changing the term from law enforcement officer to police officer, and providing new accreditation requirements for the Law Enforcement Academy and certification.

Senate Bill 321: Relating to Law Enforcement: requiring members of the New Mexico State Police to be the highest paid law enforcement officers in the state through appropriation.

House Bill 304: Relating to Law Enforcement: enacting the law enforcement officer loan repayment act, granting loan repayment awards to certain law enforcement officers, through a fund and appropriation.

House Bill 299: Relating to public employee retirement: creating a state law enforcement instructor member and including state law enforcement instructor members under state public safety member coverage plan 1.

House Bill 101: Relating to firearms: making an exemption to unlawful possession of a firearm at a polling place for commissioned law enforcement officers.

House Bill 48: Relating to law enforcement: amending the law enforcement protection fund, providing funds for certified law enforcement training at state-supported community colleges and certain institutions of higher learning through appropriation.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

N/A