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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>HB473</u>	Sponsor	<u>Brown</u>
Tracking Number	<u>.229781.4</u>	Committee Referrals	<u>HEC/HJC</u>
Short Title	<u>School Security Personnel</u>		
Analyst	<u>Montoya</u>	Original Date	<u>3/5/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 473 (HB473) would amend the School Personnel Act and the Private Investigations Act requirements regarding school security personnel. HB473 would define assistant school security personnel and establish their employment requirements. It would also expand the definition of school security personnel in the Public School Code to include former or retired commissioned peace officers. HB473 would also modify the Private Investigations Act to authorize school districts and charter schools as employers of level one, level two, and level three security guards. Public and charter schools would be required to notify the Regulation and Licensing Department (RLD) of security guard terminations within 30 days of their dismissal. The bill would set additional requirements for school districts employing assistant school security personnel, including verification of training, proper security guard registration, background check criteria, and compliance with all legal, departmental, and school district policies.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPACT

HB473 does not contain an appropriation.

According to analysis of HB473 provided by the Regulation and Licensing Department (RLD), the department believes it can absorb the costs of the rulemaking process required by HB473 within its existing budget.

The Department of Public Safety (DPS) expects costs for updating records, training staff, and making system changes to be minimal but is unable to determine the exact cost at this time. DPS also notes that if additional background checks are required, more staff may be needed, and the state may be required to cover ongoing monitoring fees. The exact cost of these potential increases is also unclear.

SUBSTANTIVE ISSUES

Practical Implications for Schools. HB473 would require school districts and charter schools to comply with new registration, training, and background check requirements for hiring school assistant security personnel. However, HB473 does not appear to require school districts or charter schools to implement these same pre-employment checks for school security personnel, which may lead to the inconsistent application of HB473’s proposed provisions.

HB473 may broaden the pool of eligible candidates by allowing retired or former peace officers and level three security guards to serve in school security roles. Schools would also need to manage the notification process with the Regulation and Licensing Department (RLD) for any security guard terminations. Additionally, the bill may lead to increased oversight and changes to security policies and procedures at the school level.

Review of Statutory Changes. According to analysis provided by DPS, the enactment of HB473 would require changes to the Public School Code and Private Investigator Act to be resubmitted to DPS for review. Afterward, the revised statutes would require review by multiple departments within the Federal Bureau of Investigation (FBI), which may take over three months. During this review the FBI would determine if the changes proposed by HB473 align with [federal background check guidelines](#). If approved, DPS would have the authority to implement the background requirements proposed by HB473 and update the Reason for Fingerprinting (RFP) with DPS’ fingerprinting vendor. According to DPS, without these updates schools may face risks associated with improper vetting of security personnel, potentially leading to safety and compliance issues.

Regulatory Uncertainty and Liability. According to the New Mexico Public School Insurance Authority (NMPSIA), HB473 does not clarify the use of non-lethal tools such as tasers, mace, or handcuffs, leaving the regulation of these implements unclear for level one or two security personnel. NMPSIA also notes allowing schools to transfer liability to a private security contractor may help manage risk. However, HB473 would require districts to supervise contract security personnel, which may limit their ability to shift liability. This could create liability concerns if a district employee directs a security guard to restrain a student instead of using alternative de-escalation methods.

ADMINISTRATIVE IMPLICATIONS

HB473 would require RLD to promulgate and amend current administrative rules, hold a public hearing, and publish necessary notices and proposed rules, to update and amend current administrative rules under the Private Investigations Act. DPS would be required to update policies and procedures regarding its role of performing background checks for potential school security personnel. School districts and charter schools would need to update policies for hiring assistant school security personnel, to include new eligibility criteria, background check requirements, and notification procedures. Additionally, school districts and charter schools would need to strengthen oversight structures for school security staff.

Other Significant Issues

LESC School Safety Work over the 2024 Interim. During the 2024 interim, LESL staff conducted an [analysis](#) of school safety in New Mexico. As part of this effort, staff engaged with school districts and charter schools across the state to assess their approaches to maintaining safe learning environments. This included identifying common concerns and the ongoing need for

flexible security funding. Findings emphasized a comprehensive approach that balances physical security with behavioral health support. Key recommendations included options to support school districts and charter schools in their diverse school safety efforts, while reaffirming the state's commitment to a culturally responsive education system. It also highlighted available resources such as the STOPit platform for anonymous reporting to enhance safety.

RELATED BILLS

Related to Senate Bill 136, Firearm Detection Software Fund, which would create the firearm detection software fund for K-12 schools and provide grants to districts and charter schools for purchasing eligible software.

Related to Senate Bill 256, Teachers On-Site Protection Act, which would establish training requirements and allow for the designation of school employees to carry handguns on school campuses.

Related to House Bill 485, School Marshal Act, would establish a school marshal program allowing qualified retired or former law enforcement officers to carry firearms on school premises, set requirements for training and certification, and direct local school boards to develop policies on school marshal duties and responsibilities.

SOURCES OF INFORMATION

- LESC Files
- Department of Public Safety (DPS)
- New Mexico Department of Homeland Security and Emergency Management (DHSEM)
- New Mexico Public Schools Insurance Authority (NMPSIA)
- New Mexico Regional Cooperatives (NMRECA)
- Regulation and Licensing Department (RLD)

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