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

Bill Number	<u>SB136</u>	Sponsor	<u>Padilla</u>
Tracking Number	<u>.228632.2</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>Firearm Detection Software Fund</u>		
Analyst	<u>Montoya</u>	Original Date	<u>1/30/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 136 (SB136) would add a new section to the Public School Code (Chapter 22 NMSA 1978) to establish the firearm detection software fund to provide grants to school districts and charter schools for contracting allowable firearm detection software. The Public Education Department (PED) would oversee the fund's administration.

SB136 specifies six criteria firearm detection software must meet for school districts to utilize the firearm detection software fund:

1. The software must be designed to detect visible unholstered firearms on a public school premises and alert school personnel and law enforcement;
2. The software must be compatible with a public school's existing surveillance or security system;
3. The software must be designated as qualified anti-terrorism technology by the United States Secretary of Homeland Security under [federal SAFETY Act \(Title 6 U.S.C Section 441\)](#);
4. The software must be managed by a contracted vendor and connected to a continuously staffed operations center to monitor and respond to detected threats;
5. The software must be designed and developed in the United States using patented or proprietary data not accessible by third parties; and
6. The software must be evidence-based or currently or previously used by a public school, state agency, another state government, or federal government.

FISCAL IMPACT

The bill would appropriate \$5 million from the general fund to PED for the creation of the firearm detection software fund for expenditure in FY26 and subsequent fiscal years. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

Access to Flexible Funding. SB136 proposes to establish a small, narrowly tailored fund that somewhat duplicates existing efforts to improve school security from the public school capital outlay fund (PSCOF). The Legislature has made a concentrated effort to provide flexible funding for public school safety and security concerns and has allowed school districts the discretion of identifying their unique safety and security concerns. Both the LESC and Legislative Finance Committee (LFC) FY26 budget recommendations include a \$50 million appropriation for school security, which would be allocated to school districts to meet their local security needs.

SUBSTANTIVE ISSUES

Software Criteria and Procurement Code Implications. The criteria set forth in SB136 could limit the pool of vendors eligible for procurement. For example, SB136 mandates that selected firearm detection software must be designated as a qualified anti-terrorism technology by the U.S. Secretary of Homeland Security. According to a [list](#) published by the Department of Homeland Security, it appears that only one vendor currently holds this designation. Defining overly restrictive parameters for vendor eligibility could potentially raise concerns regarding circumvention of the Procurement Code (Sections 13-1-28 through 13-1-199 NMSA 1978).

Compatibility with Existing Surveillance Systems. School districts and charter schools may find that existing surveillance systems are incompatible with eligible firearm detection software providers. To be eligible for awards from the firearm detection software fund, school districts may need to rely on other funding sources to upgrade existing surveillance equipment, potentially limiting the pool of school districts that would be eligible for awards.

ADMINISTRATIVE IMPLICATIONS

PED would need to establish policies and procedures to implement and maintain the operation of the proposed firearm detection software fund. Additionally, PED would need to dedicate staff to oversee and manage the fund in accordance with the uses and parameters outlined in SB136.

OTHER SIGNIFICANT ISSUES

LESC School Safety Work over the 2024 Interim. During the 2024 interim, LESC staff conducted a focused [analysis](#) of school safety in New Mexico. As part of this effort, staff engaged with school districts and charter schools across the state to understand their approaches to maintaining a safe learning environment, as well as their needs and concerns. A common theme among school leadership was the ongoing and critical demand for flexible security funding. While there is an assumption that schools primarily need high-tech solutions such as smart cameras or facial recognition software, many schools reported a more pressing need for fundamental security measures, including fencing and reliable radio communication devices.

Public School Capital Outlay Funding. Using the PSCOF, the public school capital outlay council (PSCOC) finances statewide capital outlay programs for public schools, including standards-based and systems-based projects. It also provides the state match for SB9, lease assistance, master plan support, and other programs under the Public School Capital Outlay Act, including school security infrastructure.

School districts have received appropriations from the PSCOF in recent years to fund school security infrastructure. In 2018, in response to a shooting at Aztec High School, the Legislature passed SB239, which set aside \$10 million from the PSCOF annually for FY19 through FY22 for

a school security initiative. Between FY19 and FY20, the PSCOC awarded 251 school security system grants under the program, though the program was later phased out due to low demand. In 2022, Senate Bill 212 made an appropriation of \$75 million for “maintenance and repair”. Many schools used these funds for security infrastructure. In 2023, House Bill 505 made appropriations of \$35 million for school security infrastructure in public schools. These funds have been used for security enhancements such as fencing, cameras, intercoms, radios, access control systems, magnetic locks, door hardware, vestibules, personal crisis alarms, and window safety film.

SOURCES OF INFORMATION

- LESC Files
- New Mexico Regional Cooperatives (NMRECA)
- Public School Facility Authority (PSFA)
- Department of Public Safety (DPS)

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