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HOUSE BILL 42

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT; AUTHORIZING UNITED STATES PROBATION OFFICERS AND UNITED STATES PRETRIAL SERVICES OFFICERS TO ACT AS NEW MEXICO PEACE OFFICERS; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-1-11 NMSA 1978 (being Laws 1972, Chapter 8, Section 1, as amended) is amended to read:

"29-1-11. AUTHORIZATION OF TRIBAL AND PUEBLO POLICE OFFICERS AND CERTAIN FEDERAL OFFICERS TO ACT AS NEW MEXICO PEACE OFFICERS-- AUTHORITY, PAYMENT AND PROCEDURE FOR COMMISSIONED PEACE OFFICERS. --

A. All persons who are duly commissioned officers of the police or sheriff's department of any New Mexico Indian tribe or pueblo or who are law enforcement officers employed by the bureau of Indian affairs and are assigned in New Mexico are,

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1 when commissioned under Subsection B of this section, recognized
2 and authorized to act as New Mexico peace officers. These
3 officers have all the powers of New Mexico peace officers to
4 enforce state laws in New Mexico, including [~~but not limited to~~]
5 the power to make arrests for violation of state laws.

6 B. The chief of the New Mexico state police is
7 granted authority to issue commissions as New Mexico peace
8 officers to members of the police or sheriff's department of any
9 New Mexico Indian tribe or pueblo or a law enforcement officer
10 employed by the bureau of Indian affairs to implement the
11 provisions of this section. The procedures to be followed in
12 the issuance and revocation of commissions and the respective
13 rights and responsibilities of the departments shall be set
14 forth in a written agreement to be executed between the chief of
15 the New Mexico state police and the tribe or pueblo or the
16 appropriate federal official.

17 C. The agreement referred to in Subsection B of this
18 section shall contain the following conditions:

19 (1) the tribe or pueblo, but not the bureau of
20 Indian affairs, shall submit proof of adequate public liability
21 and property damage insurance for vehicles operated by the peace
22 officers and police professional liability insurance from a
23 company licensed to sell insurance in the state;

24 (2) each applicant for a commission shall
25 successfully complete four hundred hours of basic police

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1 training that is approved by the director of the New Mexico law
2 enforcement academy;

3 (3) the chief of the New Mexico state police
4 shall have the authority to suspend any commission granted
5 pursuant to Subsection B of this section for reasons solely
6 within his discretion;

7 (4) if any provision of the agreement is
8 violated by the tribe or pueblo or any of its agents, the chief
9 of the New Mexico state police shall suspend the agreement on
10 five days' notice, which suspension shall last until the chief
11 is satisfied that the violation has been corrected and will not
12 recur;

13 (5) the goldenrod-colored officer's second copy
14 of any citation issued pursuant to a commission authorized by
15 this section shall be submitted within five days to the chief of
16 the New Mexico state police;

17 (6) any citation issued pursuant to a
18 commission authorized by this section shall be to a magistrate
19 court of New Mexico; except that any citations issued to Indians
20 within the exterior boundaries of an Indian reservation shall be
21 cited into tribal court;

22 (7) the agreement or any commission issued
23 pursuant to it shall not confer any authority on a tribal court
24 or other tribal authority which that court or authority would
25 not otherwise have;

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1 (8) the authority conferred by any agreement
2 entered into pursuant to the provisions of this section shall be
3 coextensive with the exterior boundaries of the reservation;
4 except that an officer commissioned under this section may
5 proceed in hot pursuit of an offender beyond the exterior
6 boundaries of the reservation, and the authority conferred in
7 any written agreement between the chief of the New Mexico state
8 police and the Navajo tribe may extend beyond the exterior
9 boundaries of the Navajo reservation to and including the area
10 enclosed by the following description:

11 Beginning at a point where the southern boundary line of
12 the Navajo Indian reservation intersects the western
13 right-of-way line of US 666, and running thence; southerly along
14 the western right-of-way line of US 666 to the northerly city
15 limits of Gallup; thence, easterly along the northerly city
16 limits of Gallup to the northern side of the right-of-way of
17 I-40; thence, in an easterly direction along the northerly side
18 of the right-of-way of I-40 to the northerly limits of the
19 village of Prewitt; thence, in a straight line between the
20 northerly boundary of the village of Prewitt to the southerly
21 boundary of Ambrosia Lake; thence in a straight line between the
22 southerly boundary of Ambrosia Lake to the southerly boundary of
23 Hospah; thence, east along a straight line from the southerly
24 boundary of Hospah to the southern boundary of Torreon; thence
25 along the easterly side of the right-of-way of state road 197 to

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1 the westerly city limits of Cuba; thence, north along the
2 westerly side of the right-of-way of state road 44 to the
3 southerly boundary of the Jicarilla Apache Indian reservation;
4 thence, westerly along the southerly boundary of the Jicarilla
5 Apache Indian reservation to the southwest corner of that
6 reservation; thence, northerly along the westerly boundary of
7 the Jicarilla Apache Indian reservation to a point where the
8 westerly boundary of the reservation intersects the southerly
9 side of the right-of-way of state road 44; thence, northerly
10 along the southerly side of the right-of-way of state road 44 to
11 its intersection with the northerly side of the right-of-way of
12 Navajo road 3003; thence, along the northerly side of the
13 right-of-way of Navajo road 3003 to a point where the northerly
14 side of the right-of-way of Navajo road 3003 intersects the
15 westerly side of the right-of-way line of state road 371;
16 thence, northerly along the west side of the right-of-way of
17 state road 371 to the southerly side of the right-of-way of
18 Navajo road 36; thence, westerly along the southerly side of the
19 right-of-way of Navajo road 36 to the eastern border of the
20 Navajo Indian reservation; thence, along the eastern and
21 southerly borders of the Navajo Indian reservation to the point
22 of beginning.

23 The municipalities of Cuba and Gallup and the villages of
24 Thoreau and Prewitt are excluded from the grant of authority
25 that may be conferred in any written agreement entered into

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1 pursuant to provisions of this section; provided, however, any
2 written agreement may include under such grant of authority the
3 communities of Ambrosia Lake, Hospah, Torreon, Lybrook, Nageezi,
4 Counselors and Blanco Trading Post and those communities
5 commonly known as the Wingate community; the Navajo Tribe blue
6 water ranch area of the Thoreau community; the Prewitt
7 community, exclusive of the village of Prewitt; the Haystack
8 community; the Desidero community; the Sand Springs community;
9 the Rincon Marquis community; the Charley Jesus Arviso and the
10 Castillo community; and state road 264 beginning at the point
11 where it intersects US 666 and ending where state road 264
12 intersects the Arizona-New Mexico state line;

13 (9) the chief of the New Mexico state police or
14 his designee and the tribe or pueblo or the appropriate federal
15 official shall be required to meet at least quarterly or more
16 frequently at the call of the chief of the New Mexico state
17 police to discuss the status of the agreement and invite other
18 law enforcement or other officials to attend as necessary; and

19 (10) as consideration for law enforcement
20 services rendered for the state by tribal or pueblo police
21 officers who are commissioned peace officers pursuant to this
22 section, each tribe or pueblo shall receive from the law
23 enforcement protection fund three hundred dollars (\$300) for
24 each commissioned peace officer in the tribe or pueblo. To be
25 counted as a commissioned peace officer for the purposes of this

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1 paragraph, a commissioned peace officer shall have been assigned
2 to duty and have worked in New Mexico for no fewer than two
3 hundred days in the calendar year immediately prior to the date
4 of payment. Payments shall be made for only those divisions of
5 the tribal or pueblo police departments that perform services in
6 New Mexico. No Indian nation, tribe or pueblo police department
7 shall be eligible for any disbursement under the fund if
8 officers of that department cite non-Indians into the court of
9 that Indian nation, tribe or pueblo. This eligibility
10 requirement would apply to either civil or criminal citations
11 issued by an Indian nation, tribe or pueblo police department.

12 D. Nothing in this section impairs or affects the
13 existing status and sovereignty of tribes and pueblos of Indians
14 as established under the laws of the United States.

15 E. All persons who are duly commissioned federal law
16 enforcement officers employed by the federal bureau of
17 investigation; drug enforcement administration; bureau of
18 alcohol, tobacco and firearms; United States secret service;
19 United States customs service; immigration and naturalization
20 service; United States marshals service; postal inspection
21 service; United States probation department; United States
22 pretrial services agency; and other appropriate federal officers
23 whose primary duty is law enforcement related, as designated by
24 the chief of the New Mexico state police upon a recommendation
25 by a county sheriff, who are assigned in New Mexico, are

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1 recognized and authorized to act as New Mexico peace officers
2 and have all the powers of New Mexico peace officers to enforce
3 state laws in New Mexico, including the power to make arrests
4 for violation of state laws. This subsection shall not be
5 construed to impose liability upon or to require indemnification
6 by the state for any act performed by a federal law enforcement
7 officer pursuant to this subsection."

8 Section 2. EFFECTIVE DATE. -- The effective date of the
9 provisions of this act is July 1, 1997.

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

January 29, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 42

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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2 Adopted _____ Not Adopted _____

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4 (Chief Clerk)

(Chief Clerk)

5 Date _____

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7 The roll call vote was 10 For 0 Against

8 Yes: 10

9 Excused: Alwin, ~~King,~~

State of New Mexico
House of Representatives

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11 FORTY-THIRD LEGISLATURE
12 FIRST SESSION, 1997

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18 Mr. Speaker:

19 Your Sanchez

20 Absent: None

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