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HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR A DISTRIBUTION FROM THE LAW ENFORCEMENT PROTECTION FUND TO CERTIFIED REGIONAL LAW ENFORCEMENT TRAINING FACILITIES AND THE NEW MEXICO LAW ENFORCEMENT ACADEMY FOR TRAINING; MAKING AN APPROPRIATION.

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

SECTION 1. Section 29-13-2.1 NMSA 1978 (being Laws 1993, Chapter 179, Section 4, as amended) is amended to read:

"29-13-2.1. DEFINITIONS.--As used in the Law Enforcement Protection Fund Act:

A. "academy" means the New Mexico law enforcement academy;

~~A.~~ B. "division" means the local government division of the department of finance and administration;

~~B.~~ C. "fund" means the law enforcement protection

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1 fund;

2 [G-] D. "governmental entity" means a municipality,
3 university, tribe or a county;

4 E. "regional facility" means a certified regional
5 law enforcement training facility within the state certified by
6 the director of the academy pursuant to the Law Enforcement
7 Training Act;

8 [D-] F. "tribal police department" means the police
9 department of a tribe that has entered into an agreement with
10 the department of public safety pursuant to Section 29-1-11
11 NMSA 1978;

12 [E-] G. "tribe" means an Indian nation, tribe or
13 pueblo located wholly or partly in New Mexico; and

14 [F-] H. "university" means a four-year post-
15 secondary educational institution listed in Article 12, Section
16 11 of the constitution of New Mexico."

17 **SECTION 2.** Section 29-13-4 NMSA 1978 (being Laws 1993,
18 Chapter 179, Section 6, as amended by Laws 2002, Chapter 78,
19 Section 5 and by Laws 2002, Chapter 92, Section 3) is amended
20 to read:

21 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
22 DISTRIBUTION.--

23 A. Annually on or before April 15, the division
24 shall consider and determine the relative needs as requested by
25 tribal, municipal and university police [~~and~~], county sheriff's

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1 departments, regional facilities and the academy for money in
2 the fund pursuant to the provisions of Subsection C of this
3 section.

4 B. As necessary during the year, the division shall
5 transfer an amount from the [~~law enforcement protection~~] fund
6 to the peace officers' survivors fund that enables the balance
7 of the peace officers' survivors fund to be maintained at a
8 minimum balance of three hundred fifty thousand dollars
9 (\$350,000).

10 C. The division shall determine the rate of
11 distribution of money remaining in the fund to each tribal,
12 municipal and university police, [~~and~~] county sheriff's
13 department and regional facility and the academy as follows:

14 (1) all municipal police and county sheriff's
15 departments shall be rated by class pursuant to this paragraph
16 in accordance with populations established by the most recently
17 completed decennial census; provided that the population of any
18 county shall not include the population of any municipality
19 within that county that has a municipal police department. The
20 rate of distribution to which a municipal police or county
21 sheriff's department is entitled is the following:

22	CLASS	POPULATION	AMOUNT
23	1	0 to 20,000	\$20,000
24	2	20,001 to 160,000	30,000
25	3	160,001 to 1,280,000	40,000;

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1 (2) university police departments shall be
2 entitled to a rate of distribution of seventeen thousand
3 dollars (\$17,000);

4 (3) each regional facility and the academy
5 shall be entitled to a rate of distribution of fifty thousand
6 dollars (\$50,000);

7 [~~3~~] (4) tribal police departments shall be
8 entitled, unless allocations are adjusted pursuant to the
9 provisions of Subsection [E] D of this section, to [~~six hundred~~
10 ~~dollars (\$600)] one thousand dollars (\$1,000) for each
11 commissioned peace officer in the tribe. To be counted as a
12 commissioned peace officer for the purposes of this paragraph,
13 a commissioned peace officer shall have been assigned to duty
14 and have worked in New Mexico for no fewer than two hundred
15 days in the calendar year immediately prior to the date of
16 payment. Payments shall be made for only those divisions of
17 the tribal police departments that perform services in New
18 Mexico. [~~No~~] A tribal police department shall not be eligible
19 for any disbursement under the fund if commissioned peace
20 officers cite non-Indians into the tribal court for civil or
21 criminal citations; and~~

22 [~~4~~] (5) municipal and university police and
23 county sheriff's departments shall be entitled, unless
24 allocations are adjusted pursuant to the provisions of
25 Subsection D of this section, to [~~six hundred dollars (\$600)]~~

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1 one thousand dollars (\$1,000) for each police officer or
2 sheriff's deputy employed full time by [~~his~~] a department who
3 has been certified by the [~~New Mexico law enforcement~~] academy
4 as a police officer or has been authorized to act as a New
5 Mexico peace officer pursuant to the provisions of Section
6 29-1-11 NMSA 1978.

7 D. After distributions are determined in accordance
8 with Subsection A, Subsection B and Paragraphs (1), [~~and~~] (2)
9 and (3) of Subsection C of this section, if the balance in the
10 fund is insufficient to permit the total allocations provided
11 by Paragraphs [~~(3)~~] (4) and [~~(4)~~] (5) of Subsection C of this
12 section, the division shall reduce that allocation to the
13 maximum amount permitted by available money."

14 **SECTION 3.** Section 29-13-5 NMSA 1978 (being Laws 1983,
15 Chapter 289, Section 5, as amended) is amended to read:

16 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than
17 May 1 of each year, the division shall notify in writing each
18 affected municipal police, university police, tribal police
19 [~~and~~], county sheriff's department and regional facility and
20 the academy of its determination of money to be distributed
21 pursuant to the provisions of Section 29-13-4 NMSA 1978. Any
22 affected department or regional facility or the academy may
23 appeal that determination by filing a notice of appeal with the
24 secretary of finance and administration no later than May 15.
25 If an appeal is filed, the secretary of finance and

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1 administration shall review the determination of the division
2 in an informal and summary proceeding and shall certify the
3 result of the appeal to the division no later than June 30, and
4 the division shall adjust its determination accordingly. If no
5 appeal is filed, the original determination of the division
6 shall be final and binding and not subject to further review."

7 SECTION 4. Section 29-13-7 NMSA 1978 (being Laws 1983,
8 Chapter 289, Section 7, as amended) is amended to read:

9 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

10 A. Except as provided for regional facilities and
11 the academy in Subsection B of this section, amounts
12 distributed from the fund shall be expended only for the
13 following:

14 (1) the repair and purchase of law enforcement
15 apparatus and equipment, including the financing and
16 refinancing thereof, that meet minimum nationally recognized
17 standards;

18 (2) the purchase of law enforcement equipment,
19 including protective vests, for police dogs;

20 (3) expenses associated with advanced law
21 enforcement planning and training;

22 (4) maintaining the balance of the peace
23 officers' survivors fund at a minimum amount of three hundred
24 fifty thousand dollars (\$350,000);

25 (5) complying with match or contribution

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1 requirements for the receipt of federal funds relating to
2 criminal justice programs; and

3 (6) no more than fifty percent of the
4 replacement salaries of municipal and county law enforcement
5 personnel of municipalities or counties rated as Class 1 in
6 Paragraph (1) of Subsection B of Section 29-13-4 NMSA 1978
7 participating in basic law enforcement training.

8 B. For regional facilities and the academy, amounts
9 distributed from the fund shall be expended only for providing
10 basic, advanced or in-service law enforcement training and for
11 the purchase of equipment directly related to that training.

12 [~~B.~~] C. Amounts distributed from the fund shall be
13 expended only pursuant to approved budgets and upon duly
14 executed vouchers approved as required by law."

15 **SECTION 5. APPROPRIATION.**--Fifty thousand dollars
16 (\$50,000) is appropriated from the general fund to the law
17 enforcement protection fund for expenditure in fiscal year 2017
18 for advanced training of officers at regional facilities and
19 the New Mexico law enforcement academy pursuant to the Law
20 Enforcement Protection Fund Act. The appropriation shall be
21 divided equally between each of the regional facilities and the
22 New Mexico law enforcement academy, as defined in the Law
23 Enforcement Protection Fund Act. Any unexpended or
24 unencumbered balance remaining at the end of fiscal year 2017
25 shall revert to the general fund.

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SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.