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FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/09

SPONSOR Lopez LAST UPDATED 2/6/09 HB _____

SHORT TITLE Regional Transit District Law Enforcement SB 245

ANALYST Moser

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 New Mexico Department of Transportation (NMDOT)
 Department of Public Safety (DPS)
 NM Municipal League

SUMMARY

Synopsis of Bill

Senate Bill 245 amends the Regional Transit District Act, Chapter 73, Article 25 NMSA 1978, to allow a Regional Transit District that operates a commuter rail service to employ commuter rail service law enforcement officers for the district and assign duties to the officers. It provides that commuter rail service law enforcement officers shall carry commissions of office issued by the district and have the powers of peace officers on all property, tracks, rights of way, easements, vehicles, buses, vans, railcars, locomotives and facilities owned, leased, licensed, maintained or operated by the district. It also provides that a district may contract with other law enforcement agencies to provide law enforcement services for the district. Transit officers must obtain certification from the law enforcement academy within one year of hire.

FISCAL IMPLICATIONS

The cost of establishing a regional transit law enforcement program or contracting for law enforcement services would fall to the regional transit district.

SIGNIFICANT ISSUES

The Attorney General's Office indicates that Senate Bill 245 does not provide sufficient detail with respect to the extent of the authority granted to "enforce all applicable laws, ordinances and regulations." For example, it is not clear whether a commuter rail law enforcement officer would have authority to enforce only those laws and regulations adopted by the district, or whether the grant of authority also includes all or certain provisions of the state criminal code or laws governing controlled substances. For clarity, the legislation should identify the "applicable laws" regional transit districts may commission its commuter rail service law enforcement officers to enforce.

The NM Municipal League express concern that it is unclear what laws, ordinances or regulations regional transit officers are empowered to enforce. Can they enforce state laws in district and magistrate courts and local ordinances In municipal court, or are they limited to enforcing those law, ordinances and regulations adopted by the regional transit district. Additionally, transit law enforcement officers also have jurisdiction to enforce regulations, but the question is whose regulations may they enforce, because several agencies from Game and Fish to Water quality have the power to adopt regulations.

PERFORMANCE IMPLICATIONS

Transit officers may be called upon to testify in any number of jurisdictions from the City from Belen to the City of Santa Fe, and from Valencia County to Santa Fe County. They must be well-versed in both state laws and local ordinances as well as any applicable regulations

RELATIONSHIP

Relates to: HB 315 and HB 425

Duplicates: HB 549

OTHER SUBSTANTIVE ISSUES

If not properly funded or organized will add to the burden of law enforcement functions on DPS/NMSP or other law enforcement agencies along the affected corridor of the Rail Runner Express

TECHNICAL ISSUES

The AGO indicates that Section 2(C) does not clearly require the officer "be awarded a certificate attesting to that fact."

GM/mt