

29-7-4.3. Law enforcement certification board; appointment; powers and duties; refusal to issue or denial, suspension or revocation of certification; suspension of certification for failure to meet required in-service training; confidentiality of investigations; law enforcement certification office created.

A. The "law enforcement certification board" is established and administratively attached to the department of public safety, and the department shall provide administrative services for the board and the law enforcement certification office.

B. The board consists of eleven members appointed by the governor with the advice and consent of the senate. No more than six members shall be members of the same political party. Members shall be appointed so as to represent different geographic areas of the state and the ethnic and cultural diversity of the state's population. The members shall be appointed for staggered five-year terms, except that for the initial board, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, two members shall be appointed for three-year terms, two members shall be appointed for four-year terms and three members shall be appointed for five-year terms.

C. The board shall include the following members:

- (1) a retired district judge, who serves as chair of the board;
- (2) a current or retired New Mexico state-certified municipal law enforcement manager in a command position;
- (3) a retired sheriff who was certified or a current sheriff who is certified as a law enforcement officer;
- (4) a current or retired state or local New Mexico state-certified law enforcement officer who has law enforcement management command experience;
- (5) a current or retired tribal law law enforcement officer;
- (6) a certified public safety telecommunicator;
- (7) an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights or who represents criminal defendants;
- (8) an attorney in private practice who represents public entities in civil rights claims;
- (9) an attorney who is employed by the public defender department;

(10) a professor of criminal justice at a public post-secondary educational institution in New Mexico; and

(11) a citizen-at-large who has knowledge and interest in law enforcement training.

D. An appointed member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment. Vacancies shall be filled by appointment by the governor with the consent of the senate for the unexpired term of the member. Members are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

E. The board shall:

(1) deny, suspend or revoke:

(a) a peace officer's certification for just cause as provided in the Law Enforcement Training Act; and

(b) a telecommunicator's certification for just cause as provided in the Public Safety Telecommunicator Training Act [29-7C-1 to 29-7C-9 NMSA 1978]; and

(2) conduct investigations, administer oaths and subpoena persons as necessary to make determination regarding fitness of a law enforcement officer to execute a law enforcement officer's duties.

F. The board may require by subpoena the attendance of witnesses or the production of records and other evidence relevant to an investigation and shall have such other powers and duties and administer or enforce such other acts as further provided by law.

G. The board shall appoint a chief executive officer to assist the board in carrying out its functions. The chief executive officer shall employ persons as necessary to assist the board in carrying out its functions.

H. The board shall adopt, publish and file, in accordance with the provisions of the State Rules Act, all rules concerning the implementation and enforcement of the Law Enforcement Training Act and Public Safety Telecommunicator Training Act except those sections enumerated in Subsection E of Section 29-7-4 NMSA 1978 for which rules shall be adopted, published and filed by the council.

I. The board shall issue or renew a certification to:

(1) graduates from an approved basic law enforcement training program who satisfy the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(2) graduates from an approved basic telecommunicator training program who satisfy the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act.

J. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act.

K. Internal affairs and other investigation documents provided to or developed by the board for use in a certification case shall remain confidential. A decision of the board is a final agency decision and may be appealed as provided in Section 39-3-1.1 NMSA 1978.

History: 1978 Comp., § 29-7-4.3, enacted by Laws 2022, ch. 56, § 13; 2023, ch. 86, § 3.

ANNOTATIONS

The 2023 amendment, effective July 1, 2023, required the department of public safety to provide administrative services for the law enforcement certification board and the law enforcement certification office, revised the required composition of the law enforcement certification board, provided that documents provided to or developed by the law enforcement certification board for use in certification shall remain confidential, and provided that decisions by the board may be appealed as provided by law; in the section heading, added "refusal to issue or denial, suspension or revocation of certification; suspension of certification for failure to meet required in-service training; confidentiality of investigations; law enforcement certification office created"; in Subsection A, after "department of public safety", deleted "as an independent board in accordance with the Executive Reorganization Act" and added "and the department shall provide administrative services for the board and the law enforcement certification office"; redesignated former Subsection B as Subsection C; in Subsection B, after "No more than", deleted "five" and added "six", after "political party", added "Members shall be appointed so as to represent different geographic areas of the state and the ethnic and cultural diversity of the state's population.", after "shall be appointed for", added "staggered", after "five-year terms", added "except that for the initial board", and after "four-year terms and", deleted "one of the initial board" and added "three"; in Subsection C, Paragraph C(2), after "a", added "current or retired New Mexico state-certified", and after "municipal", deleted "police officer" and added "law enforcement manager in a command position", added new Paragraphs C(3) and C(4) and redesignated former Paragraph C(4) as Paragraph C(5), in Paragraph C(5), after "a", added "current or retired", and after "tribal law", deleted "peace" and added "law enforcement", added new Paragraph C(6) and redesignated former Paragraphs C(5) through C(7) as Paragraphs C(7) through C(9), respectively, and added Paragraphs C(10) and C(11); added a new Subsection D and redesignated former Subsections C through H as Subsections E through J, respectively; and added Subsection K.

Temporary provisions. — Laws 2023, ch. 86, § 15 provided that the rules of the New Mexico law enforcement academy board shall continue in effect until amended or

repealed by the New Mexico law enforcement standards and training council or the law enforcement certification board, as applicable.