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**HOUSE BILL 677**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Pauline K. Gubbels**

**AN ACT**

**RELATING TO PUBLIC SAFETY; PROVIDING FOR THE CREATION AND  
OPERATION OF CITIZEN POLICE REVIEW BOARDS.**

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

**Section 1. A new section of the Municipal Code is  
enacted to read:**

**" [NEW MATERIAL] INDEPENDENT CITIZEN POLICE REVIEW  
BOARDS-- CREATION-- SCOPE AND AUTHORITY. --**

**A. A municipality governed pursuant to a charter  
adopted under the provisions of Article 10, Section 6 of the  
constitution of New Mexico, by law of the territorial  
legislature of New Mexico or under the provisions of the  
Municipal Charter Act may establish a citizen police review  
board by ordinance. A board shall be independent of the law  
enforcement agency of a municipality. The duties of a board**

1 may include:

2 (1) receipt and review of citizen complaints  
3 filed against peace officers;

4 (2) recommending appropriate disciplinary  
5 action to the law enforcement agency or the district  
6 attorney's office against offending peace officers, including  
7 the imposition of progressive disciplinary action for peace  
8 officers who are repeat offenders;

9 (3) recommending to the governing body of a  
10 municipality the appointment of independent investigators or  
11 prosecutors; and

12 (4) recommending establishment of or changes  
13 in policy to the law enforcement agency and the governing body  
14 of a municipality.

15 B. Information gathered by a citizen police review  
16 board related to the prosecution of a peace officer shall be  
17 confidential and shall be subject to other confidentiality  
18 provisions in law.

19 C. Citizen police review boards shall be subject  
20 to the provisions of the Public Records Act.

21 D. Citizen police review board members shall  
22 reside in the municipality where the board is located.

23 E. No person currently employed with a law  
24 enforcement or security agency or holding a membership in a  
25 police association or any other formal law enforcement

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1 organization, whether public or private, shall serve on a  
2 citizen police review board.

3 F. As used in this section, "peace officer" means  
4 an employee who is a law enforcement officer vested by law  
5 with a duty to maintain public order or to make arrests for  
6 crime, whether that duty extends to all crimes or is limited  
7 to specific crimes. "

8 Section 2. [NEW MATERIAL] INDEPENDENT CITIZEN SHERIFF  
9 REVIEW BOARDS-- CREATION-- SCOPE AND AUTHORITY. --

10 A. A county may establish a citizen sheriff review  
11 board by ordinance. A board shall be independent of the  
12 sheriff's office of a county. The duties of a board may  
13 include:

14 (1) receipt and review of citizen complaints  
15 filed against peace officers;

16 (2) recommending appropriate disciplinary  
17 action to the sheriff's office or the district attorney's  
18 office against offending peace officers, including the  
19 imposition of progressive disciplinary action for peace  
20 officers who are repeat offenders;

21 (3) recommending the appointment of  
22 independent investigators or prosecutors; and

23 (4) recommending establishment of or changes  
24 in policy to the sheriff's office and the governing body of a  
25 county.

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B. Any information gathered by a citizen sheriff review board related to the prosecution of a peace officer shall be confidential and shall be subject to other confidentiality provisions in law.

C. Citizen sheriff review boards shall be subject to the provisions of the Public Records Act.

D. Citizen sheriff review board members shall reside in the county where the board is located.

E. No person currently employed with a law enforcement or security agency or holding a membership in a police association or any other formal law enforcement organization, whether public or private, shall serve on a citizen sheriff review board.

F. As used in this section, "peace officer" means a law enforcement officer vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2001.