



(applicability section) with the phrase “to peace officers killed in the line of duty since” when outlining the applicability of benefits provided by the act.

Amended Sentence. The provisions of this 2002 act regarding benefits provided to the spouses, children and parents of peace officers killed in the line of duty apply *beginning to peace officers killed in the line of duty since* January 1, 2001. [*Emphasis added.*]

### Synopsis of Original Bill

Senate Bill 39 amends the Peace Officers’ Survivors Supplemental Benefits Act (Sections 29-4A-1 to 29-4A-5 NMSA 1978). SB39 would provide for payments to surviving parents of an officer killed in the line of duty. Currently, only a surviving spouse or surviving children are eligible to receive payment. The act makes an appropriation from the Law Enforcement Protection Fund to maintain the Peace Officers’ Survivors Benefits Fund at a minimum of \$350.0.

### Significant Issues

In 2001, three New Mexico peace officers were killed in the line of duty that did not have a surviving spouse or surviving children, but did have surviving parents. SB39 would allow for survivors benefits to be extended to surviving parents of peace officers killed in the line of duty. In addition, Section 9 of SB39 has a retroactive application period to calendar year 2001 in order to include the families of the three officers killed in the line of duty in 2001.

Section 29-13-2 NMSA 1978 establishes the purpose of the Law Enforcement Protection Fund to provide for the equitable distribution of money to municipal police, university police, tribal police and county sheriff’s departments for use in the maintenance and improvement of those departments in order to enhance the efficiency and effectiveness of law enforcement services. SB 39 would expand the purpose of the fund “to sustain at a reasonable level the payments available to the surviving eligible family members of a peace officer killed in the line of duty.”

### **FISCAL IMPLICATIONS**

The act makes an appropriation from the Law Enforcement Protection Fund to maintain the Peace Officers’ Survivors Benefits Fund at a minimum of \$350.0. SB 39 would appropriate as necessary during the year from the Law Enforcement Protection Fund a sufficient amount of funding to the Peace Officers’ Survivors Fund and would be incorporated into the amount due to local governments.

According to DPS audits, the Law Enforcement Protection Fund had \$465.7 and \$491.8 at years ending FY00 and FY01 respectively. Liabilities to the fund in the same amounts are listed as “Assets held for others.” Although the Department of Finance and Administration (DFA) audits indicate the Law Enforcement Protection Fund had \$4,936.6 and \$4,802.6 at years ending FY00 and FY01 respectively (with liabilities to the fund in the same amounts listed as “due to local governments”), the Law Enforcement Protection Fund has made reversions to the general fund in the amounts of \$367.7 and \$339.5 in FY00 and FY01 respectively. Depending on the level of funding in future years, appropriations from the Law Enforcement Protection Fund to the Peace Officers’ Survivors Fund could decrease future reversions to the general fund.

EB/njw:ar