

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 386

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE PUBLIC SAFETY
TELECOMMUNICATOR TRAINING ACT; PROVIDING RULES AND PROCEDURES
FOR TELECOMMUNICATOR TRAINING, CERTIFICATION AND CONTINUING
EDUCATION; DEFINING POWERS AND DUTIES OF THE BOARD AND THE
DIRECTOR OF THE NEW MEXICO LAW ENFORCEMENT ACADEMY; AMENDING,
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 29-7-4 NMSA 1978 (being Laws 1969,
Chapter 264, Section 6, as amended) is amended to read:

"29-7-4. POWERS AND DUTIES OF BOARD. --The board shall:

A. approve or disapprove the appointment of the
director [~~of the academy~~] by the secretary [~~of public safety~~];

B. develop and implement a planned program of:

(1) basic law enforcement training and

underscored material = new
[bracketed material] = deleted

1 in-service law enforcement training, a portion of which may be
2 conducted on a regional basis; and

3 (2) basic telecommunicator training and
4 in-service telecommunicator training, as provided in the Public
5 Safety Telecommunicator Training Act, a portion of which may be
6 conducted on a regional basis;

7 C. prescribe qualifications for instructors and
8 prescribe courses of instruction for:

9 (1) basic law enforcement training and
10 in-service law enforcement training; and

11 (2) basic telecommunicator training and
12 in-service telecommunicator training, as provided in the Public
13 Safety Telecommunicator Training Act;

14 D. report annually to the governor;

15 E. in its discretion, accept donations,
16 contributions, grants or gifts from whatever source for the
17 benefit of the academy, which donations, contributions, grants
18 or gifts are appropriated for the use of the academy;

19 F. adopt, publish and file, in accordance with the
20 provisions of the State Rules Act, all regulations and rules
21 concerning the operation of the academy and the implementation
22 and enforcement of the provisions of the Law Enforcement
23 Training Act and the Public Safety Telecommunicator Training
24 Act;

25 G. issue, grant, deny, renew, suspend or revoke a:

. 141745. 3

underscored material = new
[bracketed material] = delete

1 (1) peace officer's certification for any
2 cause set forth in the provisions of the Law Enforcement
3 Training Act; and

4 (2) telecommunicator's certification for any
5 just cause set forth in the Public Safety Telecommunicator
6 Training Act;

7 H. administer oaths, subpoena persons and take
8 testimony on any matter within the board's jurisdiction; and

9 I. perform all other acts appropriate to the
10 development and operation of the academy."

11 Section 2. Section 29-7-5 NMSA 1978 (being Laws 1969,
12 Chapter 264, Section 7, as amended) is amended to read:

13 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR. --The director
14 shall:

15 A. be the chief executive officer of the academy
16 and employ necessary personnel;

17 B. issue a certificate of completion to any person
18 who:

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

23 (2) graduates from an approved basic
24 telecommunicator training program and who satisfies the
25 qualifications for certification as set forth in the Public

underscored material = new
[bracketed material] = delete

1 Safety Telecommunicator Training Act;

2 C. perform all other acts necessary and appropriate
3 to the carrying out of his duties;

4 D. act as executive secretary to the board;

5 E. carry out the policy as set by the board; and

6 F. annually evaluate the courses of instruction
7 being offered by the academy and make necessary modifications
8 and adjustments to the programs. "

9 Section 3. [NEW MATERIAL] SHORT TITLE. -- Sections 3
10 through 11 of this act may be cited as the "Public Safety
11 Telecommunicator Training Act".

12 Section 4. [NEW MATERIAL] DEFINITIONS. -- As used in the
13 Public Safety Telecommunicator Training Act:

14 A. "board" means the New Mexico law enforcement
15 academy board;

16 B. "certified" means meeting the training standards
17 established by statute and rule as determined by the board;

18 C. "director" means the director of the New Mexico
19 law enforcement academy;

20 D. "dispatch" means the relay of information to
21 public safety personnel by all forms of communication;

22 E. "safety agency" means a unit of state or local
23 government, a special purpose district or a private business
24 that provides police, firefighting or emergency medical
25 services; and

. 141745. 3

1 F. "telecommunicator" means an employee or
2 volunteer of a safety agency who:

3 (1) receives calls or dispatches the
4 appropriate personnel or equipment in response to calls for
5 police, fire or medical services; and

6 (2) makes decisions affecting the life, health
7 or welfare of the public or safety employees.

8 Section 5. [NEW MATERIAL] QUALIFICATIONS FOR
9 CERTIFICATION.--An applicant for certification shall provide
10 evidence satisfactory to the board that he:

11 A. is a citizen or legal resident of the United
12 States and has reached the age of majority;

13 B. holds a high school or general equivalency
14 diploma from an accredited institution;

15 C. has not been convicted of, pled guilty to or
16 entered a plea of nolo contendere to a:

17 (1) felony charge; or

18 (2) violation of a federal or state law, a
19 local ordinance relating to aggravated assault or theft or a
20 law involving moral turpitude within the three-year period
21 immediately preceding his application;

22 D. has not received a dishonorable discharge from
23 the armed forces of the United States;

24 E. is free from a physical, emotional or mental
25 condition that might adversely affect his performance;

. 141745. 3

underscored material = new
[bracketed material] = delete

1 F. is of good moral character;

2 G. has met all other requirements for certification
3 prescribed by the board; and

4 H. has received a certificate attesting to his
5 completion of an approved basic telecommunicator training
6 program from the director.

7 Section 6. [NEW MATERIAL] BASIC TELECOMMUNICATOR TRAINING
8 PROGRAM --The board shall develop and adopt a basic
9 telecommunicator training program for telecommunicator
10 certification. The program shall be constructed to meet the
11 minimum basic needs of telecommunicators in New Mexico.

12 Section 7. [NEW MATERIAL] MINIMUM TRAINING STANDARDS FOR
13 CERTIFICATION. --

14 A. A telecommunicator shall satisfy the
15 qualifications for certification set forth in the Public Safety
16 Telecommunicator Training Act within twelve months after
17 beginning employment and shall provide a certificate of
18 completion to the director.

19 B. The director shall waive the training
20 requirements set forth in Subsection A of this section for a
21 police radio dispatcher who is certified as a police radio
22 dispatcher and has met all other requirements set forth by the
23 board.

24 Section 8. [NEW MATERIAL] CERTIFICATION BY WAIVER. --

25 A. The director shall waive the basic

underscored material = new
[bracketed material] = delete

1 telecommunicator training program and certify applicants who
2 furnish evidence of satisfactory completion of a basic
3 telecommunicator training program that, in the director's
4 opinion, is substantially equivalent to the board's basic
5 telecommunicator training program.

6 B. A telecommunicator granted a waiver under this
7 section shall meet all other requirements set out in the Public
8 Safety Telecommunicator Training Act.

9 Section 9. [NEW MATERIAL] IN-SERVICE TELECOMMUNICATOR
10 TRAINING. --

11 A. In-service telecommunicator training consists of
12 at least twenty hours of board-approved advanced training for
13 each certified telecommunicator during each two-year period.
14 The first training course shall commence no later than twelve
15 months after graduation from a board-approved basic
16 telecommunicator training program.

17 B. A certified telecommunicator shall provide proof
18 of completion of in-service training requirements to the
19 director no later than March 1 of the year subsequent to the
20 year in which the requirements are met. The director shall
21 provide annual notice to all certified telecommunicators
22 regarding in-service training requirements. Failure to
23 complete in-service training requirements may be grounds for
24 suspension of a telecommunicator's certification at the
25 director's discretion. A telecommunicator may be reinstated at

. 141745. 3

underscored material = new
[bracketed material] = delete

1 the discretion of the director when the telecommunicator
2 presents to the director evidence he has satisfied the in-
3 service training requirements.

4 Section 10. [NEW MATERIAL] REPORTS AND ROSTERS. --

5 A. A safety agency that operates within the state
6 shall submit a quarterly report to the director on the status
7 of each telecommunicator. The reporting forms and submittal
8 dates shall be prescribed by the director.

9 B. The director shall maintain a roster of all
10 certified telecommunicators.

11 Section 11. [NEW MATERIAL] REFUSAL, SUSPENSION OR
12 REVOCATION OF CERTIFICATION. --

13 A. The board shall refuse to issue or shall suspend
14 or revoke a telecommunicator's certification, after
15 consultation with his employing safety agency, if the board
16 determines that a person has:

17 (1) failed to satisfy the qualifications for
18 certification set forth in Section 29-7A-3 NMSA 1978;

19 (2) committed acts that constitute dishonesty
20 or fraud;

21 (3) been convicted of, pled guilty to or
22 entered a plea of nolo contendere to a:

23 (a) felony charge; or

24 (b) violation of a federal or state law,
25 a local ordinance relating to aggravated assault or theft or a

. 141745. 3

underscoring material = new
[bracketed material] = delete

1 law involving moral turpitude; or

2 (4) knowingly made a false statement on his
3 application.

4 B. The board shall develop, adopt and promulgate
5 administrative procedures for suspension or revocation of a
6 telecommunicator's certification that include:

7 (1) notice and opportunity for the affected
8 telecommunicator to be heard; and

9 (2) procedures for review of the board's
10 decision.

11 Section 12. REPEAL. -- Sections 29-7A-1 through 29-7A-7
12 NMSA 1978 (being Laws 1979, Chapter 228, Sections 1 through 7,
13 as amended) are repealed.

14 Section 13. EFFECTIVE DATE. -- The effective date of the
15 provisions of this act is July 1, 2003.