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FISCAL IMPACT REPORT

SPONSOR: Cravens DATE TYPED: 2/27/03 HB

SHORT TITLE: Reserve Law Enforcement Officer Authority SB 310

ANALYST: Maloy

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
 Department of Public Safety
 Taxation and Revenue Department
 Office of the Attorney General

SUMMARY

Synopsis of Bill

Senate Bill 310 proposes to allow “reserve officers” that have been certified by the New Mexico Law Enforcement Academy to issue citations under the Motor Vehicle Code.

Significant Issues

1. Currently, only salaried officers can issue citations under the Motor Vehicle Code.
2. The bill does not define “reserve officer”.
3. What is the distinction between being “certified” by the Academy vs. being “commissioned”?

FISCAL IMPLICATIONS

There exist no direct fiscal implications relating to SB 310. However, the Department of Public Safety will benefit administratively by having their workforce / manpower supplemented. This will allow the full officers to direct their attention to more serious crimes within their communities.

OTHER SUBSTANTIVE ISSUES

The Department of Public Safety offers the following comments:

In reality, there are very few reserve officers that are certified by the law enforcement academy. Because agencies are not required to report non-certified reserves to the law enforcement academy, it is difficult to accurately determine a percentage, but it is most likely less than 5% of the total population of reserve officers.

The few reserve officers that are certified were salaried at one time. Consequently, they have been through the same basic academy training as their salaried counterparts, and are required to keep up with the same continuing education requirements. They are in recognized reserve programs where the agency lists them as employees, where they are subject to defined rules and regulations, and are required to perform a certain amount of reserve service every year.

The State Law Enforcement Academy Board does not convey a distinct reserve certification. There is only one certification issued – peace officer. And, by statute and rule, the person must be an employee.

Departments who would utilize this bill must be willing to properly train and equip the officers at a level of equal footing to their full-time counterparts. This would enable them to conduct their duties safely and reduce the possibility of tort liability on the supervising department.

SJM/njw