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FISCAL IMPACT REPORT

SPONSOR Cisneros DATE TYPED 2/18/05 HB _____

SHORT TITLE County Sheriff Appointment of Deputies SB 941

ANALYST Peery

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

Department of Indian Affairs (DIA)

No Responses

Attorney General's Office (AGO)

Association of Counties

SUMMARY

Synopsis of Bill

Senate Bill 941 amends Section 29-1-11 NMSA 1978 to clarify the statute does not limit the powers of the county sheriff to appoint deputy sheriff's pursuant to Section 4-41-5 NMSA 1978. The proposed legislation gives authority to the chief of New Mexico State Police to issue commissions as peace officers to members of tribal law enforcement offices of any New Mexico Indian nation, tribe or pueblo, or law enforcement officers employed by the federal Bureau of Indian Affairs.

PERFORMANCE IMPLICATIONS

DIA states for proper law enforcement to occur on tribal lands in New Mexico, it is vital that tribal law enforcement officers are able to assist in the enforcement of not only tribal laws, but the enforcement of state laws.

OTHER SUBSTANTIVE ISSUES

DIA reports under Section 4-41-5 NMSA 1978 all county sheriffs have similar authority to appoint deputy sheriffs, which could potentially include members of tribal law enforcement officers or Bureau of Indian Affairs officers. DIA states the proposed legislation provides clarification that the authority of the chief of state police to commission tribal officers as peace officers does not limit or nullify the ability of county sheriffs to appoint deputy sheriffs. DIA states the ability of both the chief of state police and county sheriffs to make such commission and appointments of tribal and Bureau of Indian Affairs officers would be beneficial to tribal communities and New Mexico citizens.

DPS reports Chapter 4 Article 41 NMSA 1978 provides authority to sheriffs in appointment of deputies. The statute states “the sheriffs in all the counties of this state shall have power to appoint deputies, who shall remain in office at the pleasure of such sheriffs; except that in counties which have established a merit system by ordinance, the provisions of the ordinance shall control the demotion and discharge of deputies and other employees of the sheriff’s office, except for one under-sheriff and an executive secretary, both of whom shall hold exempt positions.” DPS states statute already provides sheriffs the authority given in the proposed legislation. DPS reports the proposed legislation may cause confusion on the authorization authority.

RLP/lg