

AN ACT

RELATING TO STATE POLICE; PROVIDING NEW DISCIPLINARY AND APPEAL PROCEEDINGS FOR NEW MEXICO STATE POLICE OFFICERS; ELIMINATING THE REVIEW AND APPEAL PROCESS FOR OFFICERS SUSPENDED FOR NOT MORE THAN THIRTY DAYS; REQUIRING WRITTEN NOTIFICATION OF DISCIPLINARY ACTION BY THE SECRETARY OF PUBLIC SAFETY TO OFFICERS REMOVED, DEMOTED OR SUSPENDED FOR A PERIOD EXCEEDING THIRTY DAYS; DECLARING AN EMERGENCY.

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

Section 1. Section 29-2-11 NMSA 1978 (being Laws 1941, Chapter 147, Section 11, as amended) is amended to read:

"29-2-11. DISCIPLINARY PROCEEDINGS--APPEAL.--

A. A New Mexico state police officer holding a permanent commission shall not be removed from office, demoted or suspended except for incompetence, neglect of duty, violation of a published rule of conduct, malfeasance in office or conduct unbecoming an officer, except as provided in this section. A probationary officer not holding a permanent commission may be removed from office, demoted or suspended in accordance with New Mexico state police rules.

B. The secretary may suspend an officer for disciplinary reasons for not more than thirty days in accordance with New Mexico state police rules without further review or appeal.

C. In the event an officer is removed from office, demoted or suspended for a period of more than thirty days, the secretary shall provide written notification of the grounds supporting the action to the officer. The officer may appeal the secretary's action to the commission within thirty days of the date of receipt of the secretary's written notification. The appeal process shall be public and conducted in accordance with New Mexico state police rules.

D. In the event the commission finds that there is just cause for the removal, demotion or suspension of the officer for a period in excess of thirty days, the officer may appeal the decision of the commission to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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