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FISCAL IMPACT REPORT

ORIGINAL DATE 3/1/07

SPONSOR Ortiz y Pino LAST UPDATED _____ HB _____

SHORT TITLE Civil & Human Rights Leaders, In Honor SM 58

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SJM 65

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Memorial 58 supports the creation of human and civil rights standards as they are essential for a nonbarbaric society and honors Dr. Martin Luther King, Jr., Cesar Chavez, Reyes Lopez Tijerina and Rudolfo "Corky" Gonzales.

The New Mexico legislative council is requested to establish an interim human and civil rights task force composed of state senators and representatives who support human and civil rights and human and civil rights advocates to examine, individually and separately, each and every concern set forth in this memorial and make recommendations to the appropriate interim legislative committee for the enactment of laws to protect human and civil rights.

FISCAL IMPLICATIONS

NFI

SIGNIFICANT ISSUES

The state of New Mexico expresses complete support of the law enforcement professions and the officers involved in law enforcement professions.

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The state of New Mexico upholds human and civil rights inherent in its statutes, rules and policies. Violators of human and civil rights must be held accountable.

The number of citizen complaints of excessive use of force among law enforcement and security officers is not generally known to the public and elected officials due to the unofficial code of silence pervasive in law enforcement and law enforcement agencies.

Governmental entities that are not home-rule municipalities lack enabling legislation to establish independent law enforcement oversight with appropriate authority to determine violations on the part of law enforcement officers, including police chiefs, sheriffs, upper levels of law enforcement agencies and private security guards, whether or not contracted by governmental entities.

Most unjustified use of force cases that are the equivalent of battery are not reported to the district attorney for criminal prosecution, and there is reluctance by district attorney offices to prosecute law enforcement officers for the unjustified use of force resulting in criminal assault and battery and aggravated battery.

There are few or minimal penalties in municipalities and counties for law enforcement and security officers who use excessive force.

The standard disciplinary measure applied to law enforcement officers found to have used excessive force resulting in injury or serious injury is usually a verbal or written reprimand and does not match the seriousness of the offense.

A verbal or written reprimand as a penalty against a law enforcement officer who is found to have used excessive force resulting in injury or serious injury is an inadequate response to such unprofessional behavior by officer.

The number of law enforcement and security officers being disciplined is not a sufficient standard to determine the actual number of instances of excessive use of force by law enforcement and security officers.

The city of Albuquerque and the Albuquerque police officers association have agreed to a contract that prohibits the discipline of law enforcement officers when found liable in a court of law of excessive use of force.

DUPLICATION

SM 58 duplicates SJM 65.

TECHNICAL ISSUES

The title mentions honoring Dr. Martin Luther King, Jr., Cesar Chavez, Reyes Lopez Tijerina and Rudolfo “Corky” Gonzales, but there is no other mention of them in the memorial.

DW/mt