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HOUSE BILL 26

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LAW ENFORCEMENT; ALLOWING NONSALARIED PEACE OFFICERS TO MAKE ARRESTS FOR MISDEMEANOR VIOLATIONS OF THE MOTOR VEHICLE CODE.

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

Section 1. Section 66-8-124 NMSA 1978 (being Laws 1961, Chapter 213, Section 3, as amended) is amended to read:

"66-8-124. ARRESTING OFFICER TO BE IN UNIFORM.--

A. No person shall be arrested for violating the Motor Vehicle Code or other law relating to motor vehicles punishable as a misdemeanor except by a commissioned ~~[salaried]~~ peace officer who, at the time of arrest, is wearing a uniform clearly indicating the peace officer's official status.

B. Notwithstanding the provisions of Subsection A of this section, a municipality may provide by ordinance that

underscoring material = new
[bracketed material] = delete

1 uniformed private security guards may be commissioned by the
2 local police agency to issue parking citations for violations
3 of clearly and properly marked fire zones and access zones for
4 persons with significant mobility limitation. Prior to the
5 commissioning of any security guard, the employer of the
6 security guard shall agree in writing with the local police
7 agency to the commissioning of the employer's security guard.
8 The employer of any security guard commissioned under the
9 provisions of this section shall be liable for the actions of
10 that security guard in carrying out the security guard's duties
11 pursuant to that commission. Notwithstanding the provisions of
12 the Tort Claims Act, private security guards commissioned under
13 this section shall not be deemed public employees under that
14 act."

15 Section 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2009.

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