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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/12

SPONSOR Neville and Rehm LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE School District Police Forces SB 82

ANALYST Chabot

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		TBD	TBD	TBD	Recurring through FY14	Law Enforcement Protection Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

Senate Bill 82 creates a new section of Chapter 29 NMSA 1978 authorizing a school district to establish a police force of law enforcement officers with jurisdiction within the boundaries of the school district, requires specialized training, and provides for transfer of funds from the Law Enforcement Protection Fund until June 30, 2015. Within one year of establishing a police force, the local school board must report to the appropriate legislative committee, presumably the Legislative Education Study Committee, on the operations of the police force including policies, procedures, practices, training, discipline of students, school safety and oversight. After the first year, districts will report as requested by the chair of the legislative committee. The effective date of the bill is July 1, 2012 and the authority to establish a school district police force is repealed July 1, 2015.

### FISCAL IMPLICATIONS

School districts establishing their own police forces would be eligible to receive \$17.0 thousand annually from the Law Enforcement Protection Fund through fiscal year 2015. In addition, for each full-time police officer, \$600 hundred is allocated.

This bill may allow the hiring of significant number of new employees and need for supporting equipment. No separate funding is appropriated so these new requirements would have to be funded out of the State Equalization Guarantee distributions to school districts derived from the public schools funding formula and the appropriation in the General Appropriation Act.

### **SIGNIFICANT ISSUES**

This bill allows for establishing a school district police force but repeals the provision on July 1, 2015. It is unclear what the status of the police force would be after that date. PED states that “presumably the authority of any school police reverts to their status prior” prior to the effective date if this bill is enacted. The AODA states “Apparently the intent is to have all school districts that want a police force to have established that force by that date.” The inference is that a police force established during the three-year period could continue to exist but no new police forces could be created by school districts.

### **PERFORMANCE IMPLICATIONS**

The benefits of a school district police force would have to be evaluated against the corresponding reduction of funds for instruction.

### **TECHNICAL ISSUES**

Section 1 should be clarified as to whether a school district police force can continue after the section is repealed.

PED recommends on page 2, line 12 and 21, strike the word “exterior” and replace with the word “geographic.” The recommendation is because Section 22-1-2(R) refers to a school district as an area.

### **OTHER SUBSTANTIVE ISSUES**

PED points out any reports on student behavior must be tailored to avoid conflict with confidentiality requirements of the federal Family Educational Rights and Privacy Act.

GAC/svb