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HOUSE BILL 511

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO MENTAL IMPAIRMENT; REQUIRING TRAINING IN CRISIS
MANAGEMENT AND INTERACTIONS WITH PERSONS WITH MENTAL
IMPAIRMENTS FOR CORRECTIONAL OFFICERS, JAILERS AND
FIREFIGHTERS.

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

SECTION 1. Section 33-1-11 NMSA 1978 (being Laws 1981,
Chapter 132, Section 2, as amended) is amended to read:

"33-1-11. CORRECTIONAL OFFICER QUALIFICATIONS--REQUIRED
TRAINING.--

A. Members of the corrections department
correctional officer force, excluding correctional specialists,
shall:

[~~A.~~] (1) at the time of their appointment, be
citizens of the United States;

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1 [~~B.~~] (2) at the time of their appointment,
2 have reached age of majority;

3 [~~C.~~] (3) have at least a high school education
4 or its equivalent;

5 [~~D.~~] (4) be of good moral character and not
6 have been convicted of a felony or any infamous crime in the
7 courts of this or any other state or in the federal courts;

8 [~~and~~

9 ~~E.~~] (5) successfully pass any physical and
10 aptitude examination the department may require; and

11 (6) successfully complete training courses on
12 crisis management and interactions with persons with mental
13 impairments as provided in this section.

14 B. A minimum of forty hours of crisis management,
15 including crisis intervention, confrontation de-escalation
16 practicum and proper interaction with persons with mental
17 impairments training, shall be included in the training
18 required for newly hired correctional officers covered by this
19 section. A pre-recorded course on crisis management, including
20 crisis intervention, confrontation de-escalation practicum and
21 proper interaction with persons with mental impairments
22 training, shall not satisfy this requirement.

23 C. A minimum of two hours of crisis management,
24 including crisis intervention, confrontation de-escalation
25 practicum and proper interaction with persons with mental

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1 impairments in-service training, shall be completed during each
2 twenty-four-month period of employment by correctional officers
3 covered by this section.

4 D. As used in this section, "mental impairment"
5 includes a mental illness, developmental disability,
6 posttraumatic stress disorder, dual diagnosis, autism, youth in
7 crisis and traumatic brain injury."

8 SECTION 2. Section 33-3-28 NMSA 1978 (being Laws 1984,
9 Chapter 22, Section 19, as amended) is amended to read:

10 "33-3-28. JAILERS--PEACE OFFICER POWERS--REQUIRED
11 TRAINING.--

12 A. Jailers and any employee of a local jail who
13 has, at the particular time, the principal duty to hold in
14 custody any person accused or convicted of a criminal offense
15 or placed in the legal custody or supervision of a local jail
16 shall have the power of a peace officer with respect to arrests
17 and enforcement of laws when on the premises of a local jail,
18 while transporting a person committed to or under the
19 supervision of a local jail, while supervising any person
20 committed to or under the supervision of a local jail anywhere
21 within the state or when engaged in any effort to pursue or
22 apprehend such a person. No jailer shall be convicted or held
23 liable for any act performed pursuant to this subsection if a
24 peace officer could lawfully have performed the same act in the
25 same circumstance. Jailers, while acting within the scope of

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1 such law enforcement duties, shall be deemed law enforcement
2 officers for purposes of the Tort Claims Act; provided that
3 coverage of liability of jailers employed by private
4 independent contractors shall be made by the independent
5 contractor.

6 B. A minimum of forty hours of crisis management,
7 including crisis intervention, confrontation de-escalation
8 practicum and proper interaction with persons with mental
9 impairments training, shall be included in the training
10 required for newly hired jailers. A pre-recorded course on
11 crisis management, including crisis intervention, confrontation
12 de-escalation practicum and proper interaction with persons
13 with mental impairments training, shall not satisfy this
14 requirement.

15 C. Jailers shall complete a minimum of two hours of
16 crisis management, including crisis intervention, confrontation
17 de-escalation practicum and proper interaction with persons
18 with mental impairments in-service training during each twenty-
19 four-month period of employment.

20 [~~B-~~] D. Jailers who are employees of an independent
21 contractor shall not be required to attend the basic training
22 program for law enforcement officers at the New Mexico law
23 enforcement academy.

24 [~~E-~~] E. Crimes against a jailer, including those
25 persons employed by an independent contractor, shall be deemed

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1 the same crimes and shall bear the same penalties as crimes
2 against a peace officer.

3 ~~[D-]~~ F. As used in this section:

4 (1) "jailer" means any employee of a local
5 jail who has inmate custodial responsibilities, including those
6 persons employed by private independent contractors who have
7 been designated as jailers by the sheriff; ~~[and]~~

8 (2) "local jail" means a facility operated by
9 a county, municipality or combination of such local governments
10 or by a private independent contractor pursuant to an agreement
11 with a county, municipality or combination of such local
12 governments and used for the confinement of persons charged
13 with or convicted of violation of a law or ordinance; and

14 (3) "mental impairment" includes a mental
15 illness, developmental disability, posttraumatic stress
16 disorder, dual diagnosis, autism, youth in crisis and traumatic
17 brain injury."

18 SECTION 3. Section 59A-52-6 NMSA 1978 (being Laws 1984,
19 Chapter 127, Section 952) is amended to read:

20 "59A-52-6. FIRE PROTECTION AND CRISIS MANAGEMENT TRAINING
21 PROGRAMS.--

22 A. The marshal shall establish and conduct training
23 programs throughout the state for demonstrating and teaching
24 ~~[firemen]~~ firefighters proper methods of preventing and
25 extinguishing fires. The marshal shall have available, from

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1 funds included in the general appropriation act of each
2 legislature, money for use by [~~him~~] the marshal in establishing
3 and conducting such training programs.

4 B. A minimum of forty hours of crisis management,
5 including crisis intervention, confrontation de-escalation
6 practicum and proper interaction with persons with mental
7 impairments training, shall be included in the training
8 required for newly hired firefighters. A pre-recorded course
9 on crisis management, including crisis intervention,
10 confrontation de-escalation practicum and proper interaction
11 with persons with mental impairments training, shall not
12 satisfy this requirement.

13 C. Firefighters shall complete a minimum of two
14 hours of crisis management, including crisis intervention,
15 confrontation de-escalation practicum and proper interaction
16 with persons with mental impairments in-service training during
17 each twenty-four-month period of employment.

18 D. As used in this section, "mental impairment"
19 includes a mental illness, developmental disability,
20 posttraumatic stress disorder, dual diagnosis, autism, youth in
21 crisis and traumatic brain injury."

22 SECTION 4. TEMPORARY PROVISION--IMMEDIATE TRAINING
23 REQUIRED.--Correctional officers, jailers and firefighters who
24 were hired and completed initial required training prior to
25 July 1, 2013 shall complete a minimum of forty hours of crisis

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1 management, including crisis intervention, confrontation de-
2 escalation practicum and proper interaction with persons with
3 mental impairments training, no later than July 1, 2014.

4 SECTION 5. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2013.

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