

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 486

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING A LAW ENFORCEMENT AGENCY  
HIRING A PERSON WHO PREVIOUSLY WORKED FOR ANOTHER LAW  
ENFORCEMENT AGENCY TO CONSULT THE DISCIPLINARY RECORD OF THAT  
PERSON; REQUIRING A LAW ENFORCEMENT AGENCY TO RELEASE  
DISCIPLINARY RECORDS OF AN OFFICER TO A REQUESTING LAW  
ENFORCEMENT AGENCY.

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

**SECTION 1.** ~~[NEW MATERIAL]~~ REQUEST FOR DISCIPLINARY  
RECORD.--

A. When a law enforcement agency seeks to hire as a  
police officer a person who was previously employed by a  
different law enforcement agency, the hiring agency shall  
request a copy of all records concerning discipline, cautions,  
reprimands or similar records concerning the officer's conduct

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1 that are held by the prior agency, with an appropriate required  
2 waiver for those records. The person being considered for  
3 employment with a new law enforcement agency shall execute the  
4 appropriate required waiver in order to be considered for  
5 employment.

6 B. When a law enforcement agency receives a request  
7 for the disciplinary records of the police officer accompanied  
8 by an appropriate required waiver from another law enforcement  
9 agency seeking to hire one of its police officers or former  
10 police officers, the law enforcement agency shall provide those  
11 records for examination by the requesting agency.

12 C. The disciplinary records provided by a law  
13 enforcement agency shall be privileged and shall not be  
14 disclosed to a person not directly involved in the future  
15 employment decision affecting the officer.

16 D. A law enforcement agency shall not be held  
17 liable for civil damages as a result of transmitting or  
18 requesting a police officer's disciplinary record.

19 E. As used in this section:

20 (1) "appropriate required waiver" means a  
21 waiver that has been signed and executed by the police officer  
22 applicant;

23 (2) "law enforcement agency" means any agency  
24 that employs police officers; and

25 (3) "police officer" has the same meaning as

1 used in the Law Enforcement Training Act.

2 SECTION 2. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2015.

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