

HOUSE BILL 92

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO LAW ENFORCEMENT; AMENDING THE PEACE OFFICERS' SURVIVORS SUPPLEMENTAL BENEFITS ACT TO INCLUDE BENEFITS FOR NEW MEXICO MOUNTED PATROL MEMBERS' SURVIVORS AND RESERVE POLICE OFFICERS' SURVIVORS.

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

SECTION 1. Section 29-4A-1 NMSA 1978 (being Laws 1995, Chapter 59, Section 1, as amended) is amended to read:

"29-4A-1. SHORT TITLE.--Chapter 29, Article 4A NMSA 1978 may be cited as the "Peace Officers', ~~and~~ New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act".

SECTION 2. Section 29-4A-3 NMSA 1978 (being Laws 1995, Chapter 59, Section 3, as amended) is amended to read:

"29-4A-3. DEFINITIONS.--As used in the Peace Officers', ~~and~~ New Mexico Mounted Patrol Members' and Reserve Police

.202722.1 Amendments in Context

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Officers' Survivors Supplemental Benefits Act:

A. "fund" means the peace officers', ~~and~~ New Mexico mounted patrol members' **and reserve police officers'** survivors fund;

B. "New Mexico mounted patrol" means members of units or troops officered and manned to assist with law enforcement pursuant to the provisions of Sections 29-6-1 and 29-6-4 NMSA 1978, Subsection A of Section 29-6-5 NMSA 1978 and Section 29-6-6 NMSA 1978;

~~[B-]~~ C. "peace officer" means any full-time salaried and commissioned or certified law enforcement officer of a police or sheriff's department or a conservation officer of the department of game and fish as used in Chapter 17 NMSA 1978 that is part of or administered by the state or any political subdivision of the state; ~~and~~

D. **"reserve police officer" means a volunteer or a temporary or part-time employee of a state or local law enforcement agency who is accepted by that agency as a reserve law enforcement officer after receiving a background check and training as needed by that agency and who is not a member of the New Mexico mounted patrol; and**

~~[G-]~~ ~~E~~. "secretary" means the secretary of public safety."

SECTION 3. Section 29-4A-4 NMSA 1978 (being Laws 1995, Chapter 59, Section 4) is amended to read:

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"29-4A-4. FUND CREATED.--The "peace officers', ~~and~~ New Mexico mounted patrol members' and reserve police officers' survivors fund" is created in the state treasury and shall be administered by the department of public safety. The fund shall consist of all gifts, donations and bequests of money to the fund as well as any appropriations made to the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the department of public safety for the purpose of paying death benefits pursuant to the Peace Officers', ~~and~~ New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act and shall be paid out only upon warrants issued by the secretary of finance and administration pursuant to vouchers signed by the secretary of public safety. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert."

SECTION 4. Section 29-4A-5 NMSA 1978 (being Laws 1995, Chapter 59, Section 5, as amended) is amended to read:

"29-4A-5. PEACE OFFICERS', ~~AND~~ NEW MEXICO MOUNTED PATROL MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "peace officers', ~~and~~ New Mexico mounted patrol members' and reserve police officers' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the chief of

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the New Mexico state police and the state president of the fraternal order of police or their designees.

B. The peace officers', ~~and~~ New Mexico mounted patrol members' and reserve police officers' survivors supplemental death benefits review committee shall determine whether a peace officer, ~~or~~ New Mexico mounted patrol member or reserve police officer has been killed in the line of duty and advise the secretary of that determination. In addition to any other death benefits provided by law, the surviving spouse, children or parents shall be paid two hundred fifty thousand dollars (\$250,000) as supplemental death benefits whenever a peace officer, ~~or~~ New Mexico mounted patrol member or reserve police officer is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid first to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the peace officer, ~~or~~ New Mexico mounted patrol member or reserve police officer."