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HOUSE BILL 92

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

INTRODUCED BY

Bob Wooley and William "Bill" R. Rehm

AN ACT

RELATING TO LAW ENFORCEMENT; AMENDING THE PEACE OFFICERS'
SURVIVORS SUPPLEMENTAL BENEFITS ACT TO INCLUDE BENEFITS FOR NEW
MEXICO MOUNTED PATROL MEMBERS' 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' 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' Survivors Supplemental
Benefits Act:

underscored material = new
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1 A. "fund" means the peace officers' and New Mexico
2 mounted patrol members' survivors fund;

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

8 ~~[B-]~~ C. "peace officer" means any full-time
9 salaried and commissioned or certified law enforcement officer
10 of a police or sheriff's department or a conservation officer
11 of the department of game and fish as used in Chapter 17 NMSA
12 1978 that is part of or administered by the state or any
13 political subdivision of the state; and

14 ~~[G-]~~ D. "secretary" means the secretary of public
15 safety."

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

18 "29-4A-4. FUND CREATED.--The "peace officers' and New
19 Mexico mounted patrol members' survivors fund" is created in
20 the state treasury and shall be administered by the department
21 of public safety. The fund shall consist of all gifts,
22 donations and bequests of money to the fund as well as any
23 appropriations made to the fund. Earnings from investment of
24 the fund shall be credited to the fund. Money in the fund is
25 appropriated to the department of public safety for the purpose

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1 of paying death benefits pursuant to the Peace Officers' and
2 New Mexico Mounted Patrol Members' Survivors Supplemental
3 Benefits Act and shall be paid out only upon warrants issued by
4 the secretary of finance and administration pursuant to
5 vouchers signed by the secretary of public safety. Any
6 unexpended or unencumbered balance remaining in the fund at the
7 end of any fiscal year shall not revert."

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

10 "29-4A-5. PEACE OFFICERS' AND NEW MEXICO MOUNTED PATROL
11 MEMBERS' SURVIVORS SUPPLEMENTAL DEATH BENEFITS--REVIEW
12 COMMITTEE--DETERMINATION--PAYMENT.--

13 A. There is created the "peace officers' and New
14 Mexico mounted patrol members' survivors supplemental death
15 benefits review committee". The committee shall consist of the
16 attorney general, the chief of the New Mexico state police and
17 the state president of the fraternal order of police or their
18 designees.

19 B. The peace officers' and New Mexico mounted
20 patrol members' survivors supplemental death benefits review
21 committee shall determine whether a peace officer or New Mexico
22 mounted patrol member has been killed in the line of duty and
23 advise the secretary of that determination. In addition to any
24 other death benefits provided by law, the surviving spouse,
25 children or parents shall be paid two hundred fifty thousand

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1 dollars (\$250,000) as supplemental death benefits whenever a
2 peace officer or New Mexico mounted patrol member is killed in
3 the line of duty. The benefits shall be paid from the fund.

4 C. The benefits shall be paid first to the
5 surviving spouse. If there is no surviving spouse, the
6 benefits shall be distributed in pro rata shares to all
7 surviving children. If there are no surviving children or
8 spouse, benefits shall be distributed to the surviving
9 parents of the peace officer or New Mexico mounted patrol
10 member."

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