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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', 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',
New Mexico Mounted Patrol Members' and Reserve Police
Officers' Survivors Supplemental Benefits Act:

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

B. "New Mexico mounted patrol" means 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

1 29-6-6 NMSA 1978;

2 C. "peace officer" means any full-time salaried
3 and commissioned or certified law enforcement officer of a
4 police or sheriff's department or a conservation officer of
5 the department of game and fish as used in Chapter 17 NMSA
6 1978 that is part of or administered by the state or any
7 political subdivision of the state;

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

14 E. "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', New
19 Mexico mounted patrol members' and reserve police officers'
20 survivors fund" is created in the state treasury and shall be
21 administered by the department of public safety. The fund
22 shall consist of all gifts, donations and bequests of money
23 to the fund as well as any appropriations made to the fund.
24 Earnings from investment of the fund shall be credited to the
25 fund. Money in the fund is appropriated to the department of

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

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

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

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

20 B. The peace officers', New Mexico mounted patrol
21 members' and reserve police officers' survivors supplemental
22 death benefits review committee shall determine whether a
23 peace officer, New Mexico mounted patrol member or reserve
24 police officer has been killed in the line of duty and advise
25 the secretary of that determination. In addition to any

1 other death benefits provided by law, the surviving spouse,
2 children or parents shall be paid two hundred fifty thousand
3 dollars (\$250,000) as supplemental death benefits whenever a
4 peace officer, New Mexico mounted patrol member or reserve
5 police officer is killed in the line of duty. The benefits
6 shall be paid from the fund.

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

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