

HOUSE BILL 330

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING CERTIFIED LAW ENFORCEMENT OFFICERS WHO WORK AS SCHOOL RESOURCE OFFICERS TO BE SPECIFICALLY TRAINED FOR THOSE POSITIONS; ALLOWING SCHOOL DISTRICT POLICE AGENCIES THAT HAVE FULL-TIME SCHOOL RESOURCE OFFICERS TO RECEIVE FUNDING FROM THE LAW ENFORCEMENT PROTECTION FUND HJC→; **DECLARING AN EMERGENCY**←HJC.

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

SECTION 1. [NEW MATERIAL] LAW ENFORCEMENT OFFICERS AS SCHOOL RESOURCE OFFICERS--TRAINING REQUIRED.--

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A. As used in this section, "school resource officer" means a certified law enforcement officer who is responsible for school safety and crime prevention and the appropriate response to crimes in public schools.

B. HJC→~~Before entering into the duties of a school resource officer, a~~ A←HJC municipal police officer, county sheriff's officer or a school district law enforcement officer HJC→~~who is or will be assigned as a school resource officer~~←HJC shall receive specific training for the duty, including instruction on the following:

(1) the differences in successful law enforcement when conducted inside a school environment, including understanding the adolescent brain, crisis management and de-escalation techniques;

(2) tools to be a positive role model for youth, including mentoring and informal counseling techniques;

(3) the school resource officer's role and responsibilities to school personnel and students and their families and strategies for connecting students and families to appropriate resources that will assist students to succeed in school, including strategies for mitigating truancy;

(4) a variety of instructional techniques as well as classroom management tools to provide law-related education to students;

(5) understanding adolescent development and

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adolescent mental health disorders and treatment;

(6) identification and response to students who are suspected of having a mental health need, including critical skills and capacity for appropriately responding to behavior issues that are typically observed among adolescents with mental health needs; and

(7) how to evaluate the school environment and recommend building, campus and activities changes that will reduce opportunities for crimes to occur and improve the overall safety of the school and how to work well with school security guards to improve school safety.

HJC→C. Beginning with the 2020-2021 school year, a law enforcement officer who:

(1) is assigned as a school resource officer shall complete the training required in Subsection B of this section within nine months of being assigned as a school resource officer; and

(2) was serving as a school resource officer prior to the 2020-2021 school year and who has not received specific training for the position of school resource officer shall complete the training required in Subsection B of this section no later than April 1, 2021.←HJC

HJC→E. D.←HJC The school resource officer training shall be provided by or approved by the New Mexico law enforcement academy in consultation with the public education

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department.

SECTION 2. Section 29-13-2 NMSA 1978 (being Laws 1983, Chapter 289, Section 2, as amended) is amended to read:

"29-13-2. PURPOSE OF ACT.--The purpose of the Law Enforcement Protection Fund Act is to provide for the equitable distribution of money to municipal police, university police, tribal police [~~and~~], county sheriff's departments and school district police departments for use in the maintenance and improvement of those departments in order to enhance the efficiency and effectiveness of law enforcement services and to sustain at a reasonable level the payments available to the surviving eligible family members of a peace officer killed in the line of duty."

SECTION 3. Section 29-13-2.1 NMSA 1978 (being Laws 1993, Chapter 179, Section 4, as amended) is amended to read:

"29-13-2.1. DEFINITIONS.--As used in the Law Enforcement Protection Fund Act:

- A. "academy" means the New Mexico law enforcement academy;
- B. "division" means the local government division of the department of finance and administration;
- C. "fund" means the law enforcement protection fund;
- D. "governmental entity" means the academy, a municipality, county, university, tribe or [~~a county~~] school

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district;

E. "school district police department" means a department of commissioned law enforcement officers who are charged with preventing, investigating and solving crimes on school district property;

[E-] F. "tribal police department" means the police department of a tribe that has entered into an agreement with the department of public safety pursuant to Section 29-1-11 NMSA 1978;

[F-] G. "tribe" means an Indian nation, tribe or pueblo located wholly or partly in New Mexico; and

[G-] H. "university" means a four-year post-secondary educational institution listed in Article 12, Section 11 of the constitution of New Mexico."

SECTION 4. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended by Laws 2017, Chapter 1, Section 2 and by Laws 2017, Chapter 35, Section 3) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by tribal, municipal HJC→, ~~school district~~←HJC and university police, county sheriff's departments and the academy for money in the fund in the succeeding fiscal year pursuant to the

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provisions of Subsection C of this section.

B. As necessary during the year, the division shall transfer an amount from the fund to the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund that enables the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund to be maintained at a minimum balance of three hundred fifty thousand dollars (\$350,000).

C. The division shall determine the rate of distribution of money in the fund as follows:

(1) all municipal police and county sheriff's departments shall be rated by class pursuant to this paragraph in accordance with populations established by the most recently completed decennial census; provided that the population of any county shall not include the population of any municipality within that county that has a municipal police department. The rate of distribution to which a municipal police or county sheriff's department is entitled is the following:

CLASS	POPULATION	AMOUNT
1	0 to 20,000	\$20,000
2	20,001 to 160,000	30,000
3	160,001 to 1,280,000	40,000;

(2) university police departments shall be entitled to a rate of distribution of seventeen thousand dollars (\$17,000);

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(3) the academy shall be entitled to a rate of distribution of twenty-four thousand five hundred dollars (\$24,500) to carry out the purposes of Section [~~1 of this 2017 act~~] 29-7-7.7 NMSA 1978;

(4) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to six hundred dollars (\$600) for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform services in New Mexico. A tribal police department shall not be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations; [~~and~~]

(5) municipal, school district and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to six hundred dollars (\$600) for each police officer or sheriff's deputy employed full time by that department who has been certified by the academy, or by a regional law enforcement training facility in the state

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certified by the director of the academy, as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978; and (6) municipal police departments, sheriff's departments and school district police departments that assign officers as school resource officers shall be entitled to one thousand dollars (\$1,000) for each assigned school resource officer's training pursuant to Section 1 of this 2019 act.

D. After distributions are determined in accordance with Subsection A, Subsection B and Paragraphs (1), (2), ~~and~~ (3) and (6) of Subsection C of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraphs (4) and (5) of Subsection C of this section, the division shall reduce that allocation to the maximum amount permitted by available money."

SECTION 5. Section 29-13-5 NMSA 1978 (being Laws 1983, Chapter 289, Section 5, as amended) is amended to read:

"29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than May 1 of each year, the division shall notify in writing each affected municipal police, school district police, university police, tribal police and county sheriff's department and the academy of its determination of money to be distributed pursuant to the provisions of Section 29-13-4 NMSA 1978. Any affected governmental entity may appeal that determination by filing a notice of appeal with the secretary of finance and

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administration no later than May 15. If an appeal is filed, the secretary of finance and administration shall review the determination of the division in an informal and summary proceeding and shall certify the result of the appeal to the division no later than June 30, and the division shall adjust its determination accordingly. If no appeal is filed, the original determination of the division shall be final and binding and not subject to further review."

HJC→SECTION 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.←HJC