

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 129

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

AN ACT

RELATING TO SCHOOL SAFETY; REQUIRING TRAINING FOR ARMED PUBLIC
SCHOOL SECURITY PERSONNEL; PROHIBITING CERTAIN PERSONS FROM
EMPLOYMENT AS ARMED PUBLIC SCHOOL PERSONNEL OR SCHOOL SECURITY
GUARDS; PROVIDING THAT ONLY A LOCAL SCHOOL BOARD OR A GOVERNING
BODY OF A CHARTER SCHOOL MAY AUTHORIZE SCHOOL SECURITY
PERSONNEL TO CARRY A FIREARM ON SCHOOL PREMISES.

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

SECTION 1. A new section of Chapter 22, Article 5 NMSA
1978 is enacted to read:

"[NEW MATERIAL] LOCAL SCHOOL BOARD AUTHORITY OVER WHO MAY
CARRY A FIREARM ON SCHOOL PREMISES.--Only a local school board
has the authority to authorize school security personnel to
carry a firearm on any public school premises or other school
district property. The decision shall be made in an open

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underscored material = new
[bracketed material] = delete

1 meeting and shall be formalized as a policy of the board."

2 SECTION 2. A new section of the Charter Schools Act is
3 enacted to read:

4 "[NEW MATERIAL] GOVERNING BODY AUTHORITY OVER WHO MAY
5 CARRY A FIREARM ON CHARTER SCHOOL PROPERTY.--Only the governing
6 body has the authority to authorize school security personnel
7 to carry a firearm on any charter school premises or other
8 charter school property. The decision shall be made in an open
9 meeting and shall be formalized as a policy of the governing
10 body."

11 SECTION 3. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] ARMED SCHOOL SECURITY PERSONNEL--
14 DEFINITIONS--REQUIRED TRAINING.--

15 A. As used in this section:

16 (1) "armed school security personnel" means a
17 person employed by a school district who has a firearm license
18 and is authorized by a local school board to carry a firearm on
19 school premises;

20 (2) "firearm" means a handgun approved by the
21 public school insurance authority;

22 (3) "local school board" includes governing
23 bodies of charter schools;

24 (4) "school district" includes charter
25 schools;

1 (5) "school premises" means:

2 (a) the buildings and grounds, including
3 playgrounds, playing fields and parking areas, and any school
4 bus of a public school, whether owned by the school district
5 or under contract, in or on which school or school-related
6 activities are being conducted under the supervision of the
7 local school board; or

8 (b) any other public buildings or
9 grounds, including playing fields and parking areas that are
10 not public school property, in or on which school-related and
11 school-sanctioned activities are being performed; and

12 (6) "school security guard" means a person
13 employed by a school district for school security purposes and
14 who is not allowed to carry a gun on school premises.

15 B. The department shall promulgate rules pertaining
16 to persons who are prohibited from employment as armed school
17 security personnel, including:

18 (1) the applicability of Paragraph (1) or (3)
19 of Subsection A of Section 28-2-4 NMSA 1978 for criminal
20 offenders;

21 (2) the commitment of a felony; a misdemeanor
22 involving moral turpitude that has bearing on the job of armed
23 school security personnel or school security guard; or
24 misconduct or crimes that include inappropriate touching,
25 sexual harassment, sexual assault, sexual abuse,

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1 discrimination, behavior intended to induce a child into
2 engaging in illegal, immoral or other prohibited behavior,
3 crimes against children and dependents or sexual exploitation
4 of children; and

5 (3) negligent or illegal use of a firearm.

6 C. Prior to an offer of employment, the school
7 district shall require for each potential armed school security
8 personnel:

9 (1) proof that the retired or former law
10 enforcement officer was certified and commissioned for no less
11 than three years and left law enforcement in good standing;

12 (2) successful completion of school security
13 personnel training, including up-to-date firearms training and
14 a current license to carry a firearm;

15 (3) a background check that indicates the
16 person has not been convicted of a crime or engaged in behavior
17 that violates the School Personnel Act as ethical misconduct;

18 (4) any other conditions required by law,
19 department rule or school district policy; and

20 (5) the holding of no other job title or job
21 duties in the school district.

22 D. Prior to armed school security personnel being
23 allowed to carry firearms authorized by local school board
24 policy, the armed school security personnel must successfully
25 pass a physical and psychological evaluation as prescribed by

1 the department to determine suitability to carry a firearm.
2 The school district shall pay the cost of the physical and
3 psychological evaluations for current and potential armed
4 school security personnel.

5 E. The department shall approve one or more
6 nationally recognized armed school security personnel training
7 programs that must include cultural competency and prohibited
8 profiling practices."

9 SECTION 4. [NEW MATERIAL] CONSTRUCTION.--Nothing in this
10 2019 act shall be construed as:

11 A. allowing an armed school security personnel to
12 carry a firearm on school premises if doing so would be a
13 violation of state or federal law; or

14 B. applying to school resource officers.