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HOUSE BILL 330

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

INTRODUCED BY

Patricio Ruiloba

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.

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.--

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. Before entering into the duties of a school

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1 resource officer, a municipal police officer, county sheriff's  
2 officer or a school district law enforcement officer shall  
3 receive specific training for the duty, including instruction  
4 on the following:

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

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

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

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

19 (5) understanding adolescent development and  
20 adolescent mental health disorders and treatment;

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

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

6 C. The school resource officer training shall be  
7 provided by or approved by the New Mexico law enforcement  
8 academy in consultation with the public education department.

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

11 "29-13-2. PURPOSE OF ACT.--The purpose of the Law  
12 Enforcement Protection Fund Act is to provide for the equitable  
13 distribution of money to municipal police, university police,  
14 tribal police [~~and~~], county sheriff's departments and school  
15 district police departments for use in the maintenance and  
16 improvement of those departments in order to enhance the  
17 efficiency and effectiveness of law enforcement services and to  
18 sustain at a reasonable level the payments available to the  
19 surviving eligible family members of a peace officer killed in  
20 the line of duty."

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

23 "29-13-2.1. DEFINITIONS.--As used in the Law Enforcement  
24 Protection Fund Act:

25 A. "academy" means the New Mexico law enforcement

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1 academy;

2 B. "division" means the local government division  
3 of the department of finance and administration;

4 C. "fund" means the law enforcement protection  
5 fund;

6 D. "governmental entity" means the academy, a  
7 municipality, county, university, tribe or [~~a county~~] school  
8 district;

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

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

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

19 [~~G.~~] H. "university" means a four-year post-  
20 secondary educational institution listed in Article 12, Section  
21 11 of the constitution of New Mexico."

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

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1 "29-13-4. DETERMINATION OF NEEDS AND RATE OF  
2 DISTRIBUTION.--

3 A. Annually on or before April 15, the division  
4 shall consider and determine the relative needs as requested by  
5 tribal, municipal, school district and university police,  
6 county sheriff's departments and the academy for money in the  
7 fund in the succeeding fiscal year pursuant to the provisions  
8 of Subsection C of this section.

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

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

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

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1	CLASS	POPULATION	AMOUNT
2	1	0 to 20,000	\$20,000
3	2	20,001 to 160,000	30,000
4	3	160,001 to 1,280,000	40,000;

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

8 (3) the academy shall be entitled to a rate of  
9 distribution of twenty-four thousand five hundred dollars  
10 (\$24,500) to carry out the purposes of Section [~~1 of this 2017~~  
11 ~~act~~] 29-7-7.7 NMSA 1978;

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

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1 (5) municipal, school district and university  
2 police and county sheriff's departments shall be entitled,  
3 unless allocations are adjusted pursuant to the provisions of  
4 Subsection D of this section, to six hundred dollars (\$600) for  
5 each police officer or sheriff's deputy employed full time by  
6 that department who has been certified by the academy, or by a  
7 regional law enforcement training facility in the state  
8 certified by the director of the academy, as a police officer  
9 or has been authorized to act as a New Mexico peace officer  
10 pursuant to the provisions of Section 29-1-11 NMSA 1978; and

11 (6) municipal police departments, sheriff's  
12 departments and school district police departments that assign  
13 officers as school resource officers shall be entitled to one  
14 thousand dollars (\$1,000) for each assigned school resource  
15 officer's training pursuant to Section 1 of this 2019 act.

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

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

25 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than

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1 May 1 of each year, the division shall notify in writing each  
2 affected municipal police, school district police, university  
3 police, tribal police and county sheriff's department and the  
4 academy of its determination of money to be distributed  
5 pursuant to the provisions of Section 29-13-4 NMSA 1978. Any  
6 affected governmental entity may appeal that determination by  
7 filing a notice of appeal with the secretary of finance and  
8 administration no later than May 15. If an appeal is filed,  
9 the secretary of finance and administration shall review the  
10 determination of the division in an informal and summary  
11 proceeding and shall certify the result of the appeal to the  
12 division no later than June 30, and the division shall adjust  
13 its determination accordingly. If no appeal is filed, the  
14 original determination of the division shall be final and  
15 binding and not subject to further review."