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 DEPARTMENTS THAT HAVE FULL-TIME SCHOOL RESOURCE OFFICERS TO RECEIVE FUNDING FROM THE LAW ENFORCEMENT PROTECTION FUND; CHANGING THE CURRENT AMOUNTS DISTRIBUTED FROM THE LAW ENFORCEMENT PROTECTION FUND; PROVIDING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND TO THE DEPARTMENT OF PUBLIC SAFETY TO OFFSET COSTS INCURRED DUE TO CERTAIN SPECIAL DEPLOYMENTS.

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 commissioned 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 resource officer, a municipal police officer, county sheriff's officer or a school district law enforcement officer 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) an understanding of adolescent development and adolescent mental health disorders and treatment; and

(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.

C. The school resource officer training shall be
provided by or approved by the New Mexico law enforcement
academy in consultation with the public education 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 state police, 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, the department of public safety or a municipality, county, university, tribe or [a county] school 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;

[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;

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

[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, school district and university police,
   county sheriff's departments, the department of public safety
   and the academy for money in the fund in the succeeding fiscal
   year pursuant to the provisions of [Subsection] Subsections C
   and E 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:
<table>
<thead>
<tr>
<th>CLASS</th>
<th>POPULATION</th>
<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>0 to 20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>2</td>
<td>20,001 to 160,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>3</td>
<td>160,001 to 1,280,000</td>
<td>$40,000</td>
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</tbody>
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entitled to a rate of distribution of forty-five thousand dollars ($45,000);

(2) university police departments shall be entitled to a rate of distribution of [seventeen thousand dollars ($17,000)] twenty-five thousand dollars ($25,000);

(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)] one thousand dollars ($1,000) 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)]
one thousand dollars ($1,000) 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 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 2020 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.

E. After all distributions have been made in accordance with Subsections A through D of this section, and if the balance in the fund is sufficient, the department of public safety shall be entitled to a rate of distribution of not more than two million dollars ($2,000,000)."

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, the department of public safety 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 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."
SECTION 6. Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended) is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Except as provided for the academy and the department of public safety in Subsection B and C of this section, amounts distributed from the fund shall be expended only for the following:

(1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;

(2) the purchase of law enforcement equipment, including protective vests, for police dogs;

(3) expenses associated with advanced law enforcement planning and training;

(4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund at a minimum amount of three hundred fifty thousand dollars ($350,000);

(5) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;

(6) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties [rated as class 1 in .216247.3GLG]
Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978]

participating in basic law enforcement training; and

(7) contingent upon the availability of

funding and until June 30, 2021, a law enforcement officer

retention payment in the amount of seven thousand five hundred

dollars ($7,500); provided that:

   (a) the distribution is requested by a

municipality or county law enforcement agency that on January

1, 2018 had a staffing vacancy rate of at least ten percent to

retain a law enforcement officer who is certified in accordance

with the Law Enforcement Training Act and has at least twenty

years of actual service credit earned under a municipal police

member coverage plan as determined by the public employees

retirement association;

   (b) the municipality or county law

enforcement agency provides seven thousand five hundred dollars

($7,500) in matching funds to the law enforcement officer; and

   (c) the distribution and the matching

funds paid to a law enforcement officer shall not constitute

the officer's base salary or wages and shall not be considered
to be salary or otherwise be used to determine a pension for

the purposes of the Public Employees Retirement Act.

B. For the academy, amounts distributed from the

fund shall be expended only for providing tourniquet and trauma

kits and training on the use of tourniquet and trauma kits
pursuant to Section 29-7-7.7 NMSA 1978.

C. The amount distributed to the department of public safety:

(1) shall:

(a) be used only to offset overtime-pay-related expenses incurred directly by the department of public safety from the special deployment of state patrol officers or other emergency assistance to counties or municipalities in response to critical circumstances as authorized by the governor; and

(b) not be expended to hire new personnel; and

(2) may be expended for costs, including travel, fuel, overtime, per diem and ammunition.

[D.] Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."