

SENATE BILL 192

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Linda M. Lopez

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING LAW ENFORCEMENT AGENCIES AND PEACE OFFICERS TO DISCLOSE EVIDENCE FAVORABLE TO AN ACCUSED IN A CRIMINAL CASE; ALLOWING FOR CERTAIN ACTIONS AGAINST A POLICE OFFICER'S CERTIFICATION FOR FAILURE TO PERFORM DISCLOSURE DUTIES OR FOR HINDRANCE OF ANOTHER PEACE OFFICER'S PERFORMANCE OF THOSE DUTIES; PROVIDING A PENALTY.

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

.219064.1AIC March 18, 2021 (8:00pm)

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SECTION 1. A new Section 29-1-19 NMSA 1978 is enacted to read:

"29-1-19. [NEW MATERIAL] DISCLOSURE OF EXCULPATORY AND IMPEACHMENT INFORMATION.--

A. Each law enforcement agency and peace officer shall disclose to the attorney general, district attorney or other prosecutor all evidence favorable to the accused in a criminal case. The prosecutor may request that information through any reasonable means. Upon request of the prosecutor, a peace officer named as a witness or the officer's employing agency shall disclose all information identified or categorized by the prosecutor as exculpatory or impeachment evidence. That information shall include acts of dishonesty, conduct establishing a lack of integrity in investigation, discriminatory bias against a HJC→~~protracted class of~~ ~~personas~~←HJC HJC→protected class of persons←HJC, bias in favor of or against a participant in the proceeding and criminal charges and convictions.

B. Failure to perform the duties contained in this section, or intentionally hindering another peace officer's performance of these duties, shall subject a peace officer to suspension or revocation of certification pursuant to Section 29-7-13 NMSA 1978 and removal from office."

SECTION 2. Section 29-7-13 NMSA 1978 (being Laws 1993, Chapter 255, Section 10) is amended to read:

"29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF

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CERTIFICATION.--

A. After consultation with the employing agency, the board may refuse to issue or may suspend or revoke a police officer's certification when the board determines that a person has:

(1) failed to satisfy the qualifications for certification, set forth in Section 29-7-6 NMSA 1978;

(2) committed acts that constitute dishonesty or fraud;

(3) been convicted of, pled guilty to or entered a plea of no contest to:

(a) any felony charge; or

(b) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances or any law or ordinance involving moral turpitude;

(4) knowingly made any false statement in [~~his~~] the application for certification;

(5) knowingly failed to perform the disclosure duties set forth in Section 29-1-19 NMSA 1978 or intentionally hindered another police officer's performance of these duties;  
or

(6) knowingly refused to recognize the legal efficacy of or enforce a provision of the constitution, laws,

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executive orders or rules of the state.

B. The board shall develop, adopt and promulgate administrative procedures for suspension or revocation of a police officer's certification that include notice and an opportunity for the affected police officer to be heard, as well as procedures for review of the board's decision."

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