

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 375

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

AN ACT

RELATING TO PUBLIC SAFETY; PROVIDING FOR NEW AREAS OF EMERGENCY
RESPONDER TRAINING; CREATING A LAW ENFORCEMENT OFFICER
DATABASE; CREATING THE LAW ENFORCEMENT CERTIFICATION BOARD;
MAKING AN APPROPRIATION.

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

SECTION 1. Section 24-10B-4.2 NMSA 1978 (being Laws 2003,
Chapter 243, Section 12) is amended to read:

"24-10B-4.2. APPROVED TRAINING PROGRAMS.--

A. Approved emergency medical services training
programs for providers are an integral part of the emergency
medical services system, and the programs shall include:

~~[A.]~~ (1) improving and expanding emergency
medical services within regions through focused emergency
medical services educational activities;

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1 [~~B.~~] (2) furthering the knowledge base of
2 emergency medical services education; and

3 [~~C.~~] (3) securing physicians as medical
4 directors to advise approved training programs in medical
5 matters and to serve as liaison to the state emergency medical
6 services medical director and the medical community as a whole.

7 B. Emergency medical services training programs
8 shall include:

9 (1) crisis management and intervention;

10 (2) dealing with individuals who are
11 experiencing mental health issues;

12 (3) methods of de-escalation;

13 (4) peer-to-peer intervention;

14 (5) stress management; and

15 (6) racial sensitivity."

16 SECTION 2. Section 24-10B-12 NMSA 1978 (being Laws 1993,
17 Chapter 161, Section 7, as amended) is amended to read:

18 "24-10B-12. ACADEMY--DUTIES.--The academy is designated
19 as the lead emergency medical services training agency. Its
20 duties include:

21 A. administering formal emergency medical services
22 training conducted in New Mexico, other than training provided
23 by other approved emergency medical services training programs;

24 B. furthering the knowledge of emergency medical
25 services education;

1 C. securing a physician as its medical director to
 2 advise it in medical matters and to serve as liaison to the
 3 state emergency medical services medical director and the
 4 medical community as a whole;

5 D. supporting, promoting and conducting scholarly
 6 research regarding emergency medical services; ~~and~~

7 E. reporting and publishing emergency medical
 8 services information; and

9 F. ensuring that medical services training programs
 10 approved by the state include training in:

11 (1) crisis management and intervention;

12 (2) dealing with individuals who are
 13 experiencing mental health issues;

14 (3) methods of de-escalation;

15 (4) peer-to-peer intervention;

16 (5) stress management; and

17 (6) racial sensitivity."

18 **SECTION 3.** Section 29-7-3 NMSA 1978 (being Laws 1979,
 19 Chapter 202, Section 42, as amended) is amended to read:

20 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

21 A. There is created the "New Mexico law enforcement
 22 academy board".

23 ~~[B. The academy shall be controlled and supervised~~
 24 ~~by policy set by the board. The board shall be composed of the~~
 25 ~~attorney general, who shall serve automatically by reason of~~

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1 ~~office and serve as chair of the board, and eight members who~~
2 ~~are qualified electors to be appointed by the governor and~~
3 ~~confirmed by the senate. An appointed board member shall serve~~
4 ~~and have all of the duties, responsibilities and authority of~~
5 ~~that office during the period prior to the final action by the~~
6 ~~senate in confirming or rejecting the appointment.]~~

7 B. The board shall develop and adopt basic training
8 and in-service training standards for police officers and
9 telecommunicators in New Mexico.

10 C. The board shall be composed of the attorney
11 general, the director of the New Mexico law enforcement academy
12 and the directors of all the satellite law enforcement
13 academies, who shall serve automatically by reason of their
14 position. The remaining seven members of the board shall be
15 appointed by the governor and confirmed by the senate. An
16 appointed board member shall serve and have all of the duties,
17 responsibilities and authority of that office during the period
18 prior to the final action by the senate in confirming or
19 rejecting the appointment. The members appointed by the
20 governor shall consist of one attorney who is currently
21 employed in a district attorney's office; one attorney who is
22 currently employed by the public defender department; one
23 certified police chief of a New Mexico Indian nation, tribe or
24 pueblo; two members who have experience and specialize in
25 providing adult education; and two citizen-at-large members,

1 one of whom shall have experience as a behavioral health
 2 provider and neither of whom shall be a police officer or
 3 retired police officer or have familial or financial
 4 connections to a police officer or any agency or department for
 5 which a police officer works. Vacancies shall be filled by the
 6 governor for the unexpired term.

7 ~~[G.]~~ D. Appointments to the board shall be for
 8 terms of four years or less made in such manner that the terms
 9 of not more than two members expire on July 1 of each year.
 10 ~~[At all times, the board shall have represented on it, as~~
 11 ~~members, one municipal police chief, one sheriff, one state~~
 12 ~~police officer, one attorney who is currently employed in a~~
 13 ~~district attorney's office, one certified police chief of a New~~
 14 ~~Mexico Indian tribe or pueblo, one certified New Mexico police~~
 15 ~~officer holding the rank of sergeant or below and two citizen-~~
 16 ~~at-large members, neither of whom shall be a police officer or~~
 17 ~~retired police officer or have familial or financial~~
 18 ~~connections to a police officer or any agency or department for~~
 19 ~~which a police officer works. Vacancies shall be filled by the~~
 20 ~~governor for the unexpired term.~~

21 ~~D.]~~ E. Members of the board shall receive, for
 22 their service as members of the board, per diem and mileage as
 23 provided in the Per Diem and Mileage Act."

24 SECTION 4. Section 29-7-4 NMSA 1978 (being Laws 1969,
 25 Chapter 264, Section 6, as amended) is amended to read:

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1 "29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

2 ~~[A. approve or disapprove the appointment of the~~
3 ~~director by the secretary;~~

4 ~~B.]~~ A. develop ~~[and implement]~~ a planned program,
5 to be implemented by the director, of:

6 (1) basic law enforcement training and
7 in-service law enforcement training, a portion of which may be
8 conducted on a regional basis; and

9 (2) basic telecommunicator training and
10 in-service telecommunicator training, as provided in the Public
11 Safety Telecommunicator Training Act, a portion of which may be
12 conducted on a regional basis;

13 ~~[C.]~~ B. prescribe qualifications for instructors
14 and prescribe courses of instruction for:

15 (1) basic law enforcement training and
16 in-service law enforcement training; and

17 (2) basic telecommunicator training and
18 in-service telecommunicator training, as provided in the Public
19 Safety Telecommunicator Training Act;

20 ~~[D.]~~ C. report annually to the governor;

21 ~~[E.]~~ D. in its discretion, accept donations,
22 contributions, grants or gifts from whatever source for the
23 benefit of the academy, which donations, contributions, grants
24 or gifts are appropriated for the use of the academy; and

25 ~~[F.]~~ E. adopt, publish and file, in accordance with

1 the provisions of the State Rules Act, all regulations and
 2 rules concerning ~~[the operation of the academy and]~~ the
 3 implementation and enforcement of the provisions of the Law
 4 Enforcement Training Act and the Public Safety Telecommunicator
 5 Training Act.

6 ~~[G. issue, grant, deny, renew, suspend or revoke a:~~

7 ~~(1) peace officer's certification for any~~
 8 ~~cause set forth in the provisions of the Law Enforcement~~
 9 ~~Training Act; and~~

10 ~~(2) telecommunicator's certification for any~~
 11 ~~just cause set forth in the Public Safety Telecommunicator~~
 12 ~~Training Act;~~

13 ~~H. administer oaths, subpoena persons and take~~
 14 ~~testimony on any matter within the board's jurisdiction; and~~

15 ~~I. perform all other acts appropriate to the~~
 16 ~~development and operation of the academy.]"~~

17 SECTION 5. A new section of the Law Enforcement Training
 18 Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

19 "29-7-4.3. [NEW MATERIAL] LAW ENFORCEMENT OFFICER
 20 TRAINING.--The curriculum of each basic law enforcement
 21 training class and in-service training each year for certified
 22 police officers shall include:

- 23 A. crisis management and intervention;
 24 B. dealing with individuals who are experiencing
 25 mental health issues;

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- 1 C. methods of de-escalation;
- 2 D. peer-to-peer intervention;
- 3 E. stress management;
- 4 F. racial sensitivity;
- 5 G. reality-based situational training; and
- 6 H. use of force training that includes the
- 7 elimination of vascular neck restraints."

8 SECTION 6. Section 29-7-5 NMSA 1978 (being Laws 1969,
9 Chapter 264, Section 7, as amended) is amended to read:

10 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director
11 shall be under the supervision and direction of the secretary
12 of public safety. The director shall:

13 A. be the chief executive officer of the academy
14 and employ necessary personnel;

15 [~~B. issue a certificate of completion to any person~~
16 ~~who:~~

17 ~~(1) graduates from an approved basic law~~
18 ~~enforcement training program and who satisfies the~~
19 ~~qualifications for certification as set forth in Section 29-7-6~~
20 ~~NMSA 1978; or~~

21 ~~(2) graduates from an approved basic~~
22 ~~telecommunicator training program and who satisfies the~~
23 ~~qualifications for certification as set forth in the Public~~
24 ~~Safety Telecommunicator Training Act;~~

25 G.] B. perform all other acts necessary and

1 appropriate to the carrying out of ~~[his]~~ the director's duties;
 2 and

3 ~~[D. act as executive secretary to the board;~~
 4 ~~E. carry out the policy as set by the board; and~~
 5 ~~F. annually evaluate the courses of instruction~~
 6 ~~being offered by the academy and make necessary modifications~~
 7 ~~and adjustments to the programs]~~

8 C. implement the training standards and
 9 requirements developed and adopted by the board."

10 SECTION 7. Section 29-13-4 NMSA 1978 (being Laws 1993,
 11 Chapter 179, Section 6, as amended) is amended to read:

12 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
 13 DISTRIBUTION.--

14 A. Annually on or before April 15, the division
 15 shall consider and determine the relative needs as requested by
 16 tribal, municipal, school district and university police
 17 departments, county sheriff's departments, the department of
 18 public safety and the academy for money in the fund in the
 19 succeeding fiscal year pursuant to the provisions of
 20 Subsections ~~[G]~~ D and ~~[E]~~ F of this section.

21 B. As necessary during the year, the division shall
 22 transfer an amount from the fund to the peace officers', New
 23 Mexico mounted patrol members' and reserve police officers'
 24 survivors fund that enables the balance of the peace officers',
 25 New Mexico mounted patrol members' and reserve police officers'

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1 survivors fund to be maintained at a minimum balance of three
2 hundred fifty thousand dollars (\$350,000).

3 C. The division shall on an annual basis transfer
4 six million dollars (\$6,000,000) to the academy for the purpose
5 of implementing the Law Enforcement Training Act.

6 [~~G~~] D. The division shall determine the rate of
7 distribution of money in the fund as follows:

8 (1) all municipal police, school district
9 police and county sheriff's departments shall be entitled to a
10 rate of distribution of forty-five thousand dollars (\$45,000);

11 (2) university police departments shall be
12 entitled to a rate of distribution of forty-five thousand
13 dollars (\$45,000);

14 (3) the academy shall be entitled to a rate of
15 distribution of twenty-four thousand five hundred dollars
16 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
17 1978;

18 (4) tribal police departments shall be
19 entitled, unless allocations are adjusted pursuant to the
20 provisions of Subsection [~~D~~] E of this section, to one thousand
21 dollars (\$1,000) for each commissioned peace officer in the
22 tribe. To be counted as a commissioned peace officer for the
23 purposes of this paragraph, a commissioned peace officer shall
24 have been assigned to duty and have worked in New Mexico for no
25 fewer than two hundred days in the calendar year immediately

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1 prior to the date of payment. Payments shall be made for only
2 those divisions of the tribal police departments that perform
3 services in New Mexico. A tribal police department shall not
4 be eligible for any disbursement under the fund if commissioned
5 peace officers cite non-Indians into the tribal court for civil
6 or criminal citations;

7 (5) municipal, school district and university
8 police and county sheriff's departments shall be entitled,
9 unless allocations are adjusted pursuant to the provisions of
10 Subsection ~~[D]~~ E of this section, to one thousand dollars
11 (\$1,000) for each police officer or sheriff's deputy employed
12 full time by that department who has been certified by the
13 academy, or by a regional law enforcement training facility in
14 the state certified by the director of the academy, as a police
15 officer or has been authorized to act as a New Mexico peace
16 officer pursuant to the provisions of Section 29-1-11 NMSA
17 1978; and

18 (6) municipal police, sheriff's and school
19 district police departments that assign officers as school
20 resource officers shall be entitled to one thousand dollars
21 (\$1,000) for each assigned school resource officer's training
22 pursuant to Section ~~[1 of this 2020 act]~~ 29-7-14 NMSA 1978.

23 ~~[D.]~~ E. After distributions are determined in
24 accordance with Subsection A, Subsection B and Paragraphs (1),
25 (2), (3) and (6) of Subsection ~~[G]~~ D of this section, if the

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1 balance in the fund is insufficient to permit the total
2 allocations provided by Paragraphs (4) and (5) of Subsection
3 [E] D of this section, the division shall reduce that
4 allocation to the maximum amount permitted by available money.

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

10 SECTION 8. Section 59A-52-6 NMSA 1978 (being Laws 1984,
11 Chapter 127, Section 952, as amended) is amended to read:

12 "59A-52-6. FIRE PROTECTION TRAINING PROGRAMS.--The state
13 fire marshal shall establish and conduct training programs
14 throughout the state for demonstrating and teaching
15 firefighters proper methods of preventing and extinguishing
16 fires. The training programs also shall include:

17 A. crisis management and intervention;

18 B. dealing with individuals who are experiencing
19 mental health issues;

20 C. methods of de-escalation;

21 D. peer-to-peer intervention;

22 E. stress management; and

23 F. racial sensitivity."

24 SECTION 9. A new section of the Department of Public
25 Safety Act is enacted to read:

1 "[NEW MATERIAL] LAW ENFORCEMENT OFFICER DATABASE.--

2 A. By no later than December 31, 2021, the
3 secretary shall create a database to coordinate the sharing of
4 information among state, local and federal law enforcement
5 agencies concerning instances of excessive use of force related
6 to law enforcement matters, accounting for applicable privacy
7 and due process rights.

8 B. The database provided for in Subsection A of
9 this section shall include a mechanism to track, as
10 permissible, terminations or decertifications of law
11 enforcement officers, criminal convictions of law enforcement
12 officers for on-duty conduct and civil judgments against law
13 enforcement officers for improper use of force. The database
14 shall account for instances where a law enforcement officer
15 resigns or retires while under active investigation related to
16 the use of force. The secretary shall take appropriate steps
17 to ensure that the information in the database consists only of
18 instances in which law enforcement officers were afforded due
19 process.

20 C. Upon a particularized showing of the need for
21 the requested data, the secretary shall make available to a law
22 enforcement agency data regarding specific law enforcement
23 officers whose identity has been entered into the database
24 described in Subsection A of this section.

25 D. The secretary shall regularly and periodically

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1 make available to the public aggregated and anonymized data
2 from the database described in Subsection A of this section.

3 E. As used in this section:

4 (1) "law enforcement agency" means the police
5 department of a municipality, the sheriff's office of a county,
6 the New Mexico state police or the department; and

7 (2) "law enforcement officer" means a state or
8 municipal police officer, county sheriff, deputy sheriff,
9 conservation officer, motor transportation enforcement officer
10 or other state employee authorized by state law to enforce
11 criminal statutes."

12 SECTION 10. [NEW MATERIAL] LAW ENFORCEMENT CERTIFICATION
13 BOARD--APPOINTMENT--POWERS AND DUTIES.--

14 A. The "law enforcement certification board" is
15 established and administratively attached to the department of
16 public safety as an independent board. The board shall consist
17 of nine members appointed by the governor with the advice and
18 consent of the senate. No more than five members of the board
19 shall be members of the same political party. The members of
20 the board shall be appointed for five-year terms. Two of the
21 initial board members shall be appointed for one-year terms;
22 two of the initial board members shall be appointed for two-
23 year terms; two of the initial board members shall be appointed
24 for three-year terms; two of the initial board members shall be
25 appointed for four-year terms; and one of the initial board

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1 members shall be appointed for a five-year term.

2 B. The law enforcement certification board
3 membership shall include the following:

4 (1) a retired judge who shall serve as chair
5 of the board;

6 (2) a municipal peace officer;

7 (3) a sheriff;

8 (4) a tribal law peace officer;

9 (5) an attorney in private practice who
10 practices as a plaintiff's attorney in the area of civil rights
11 or who represents criminal defendants;

12 (6) an attorney in private practice who
13 represents public entities in civil rights claims; and

14 (7) an attorney who is employed by the public
15 defender department.

16 C. The law enforcement certification board may:

17 (1) issue a certificate of completion to any
18 person who:

19 (a) graduates from an approved basic law
20 enforcement training program and who satisfies the
21 qualifications for certification as set forth in Section 29-7-6
22 NMSA 1978; or

23 (b) graduates from an approved basic
24 telecommunicator training program and who satisfies the
25 qualification for certification as set forth in the Public

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1 Safety Telecommunicator Training Act;

2 (2) deny, renew, suspend or revoke:

3 (a) a peace officer's certification for
4 just cause as provided in the Law Enforcement Training Act; and

5 (b) a telecommunicator's certification
6 for just cause as provided in the Public Safety
7 Telecommunicator Training Act; and

8 (3) conduct investigations, administer oaths
9 and subpoena persons as necessary to make determination
10 regarding fitness of a law enforcement officer to execute a law
11 enforcement officer's duties.

12 D. The law enforcement certification board may
13 require by subpoena the attendance of witnesses or the
14 production of records and other evidence relevant to an
15 investigation and shall have such other powers and duties and
16 administer or enforce such other acts as further provided by
17 law.

18 E. The law enforcement certification board shall
19 appoint a chief executive officer to assist the board in
20 carrying out its functions. The chief executive officer shall
21 employ persons as necessary to assist the law enforcement
22 certification board in carrying out its functions.

23 F. The law enforcement certification board shall
24 issue a certificate of completion and certification to:

25 (1) graduates from an approved basic law

1 enforcement training program who satisfy the qualifications for
2 certification as set forth in Section 29-7-6 NMSA 1978; or

3 (2) graduates from an approved basic
4 telecommunicator training program who satisfy the
5 qualifications for certification as set forth in the Public
6 Safety Telecommunicator Training Act.

7 G. Members of the law enforcement certification
8 board shall receive, for their service as members of the board,
9 per diem and mileage as provided in the Per Diem and Mileage
10 Act.

11 SECTION 11. EFFECTIVE DATE.--

12 A. The effective date of the provisions of Sections
13 1 through 6 and 8 through 10 of this act is July 1, 2021.

14 B. The effective date of the provisions of Section
15 7 of this act is July 1, 2022.

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