

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 231

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ENHANCING DEATH BENEFITS FOR PEACE OFFICERS, NEW MEXICO MOUNTED  
PATROL MEMBERS AND RESERVE POLICE OFFICERS; CHANGING  
DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND;  
EXPANDING THE DISTRIBUTION OF THE LAW ENFORCEMENT PROTECTION  
FUND TO THE NEW MEXICO LAW ENFORCEMENT ACADEMY; EXPANDING THE  
PURPOSES FOR WHICH A CRIME REDUCTION GRANT MAY BE MADE;  
CREATING ADDITIONAL JUDGESHIPS IN THE SECOND, FIFTH AND  
THIRTEENTH JUDICIAL DISTRICTS; CREATING THE LAW ENFORCEMENT  
RETENTION FUND; PROVIDING A RETENTION DIFFERENTIAL DISBURSEMENT  
TO CERTAIN LAW ENFORCEMENT OFFICERS; PROVIDING REPORTING  
REQUIREMENTS; REQUIRING THE DEPARTMENT OF FINANCE AND  
ADMINISTRATION TO ESTABLISH A PROGRAM TO DISTRIBUTE FUNDS TO  
LOCAL LAW ENFORCEMENT AGENCIES; CREATING A LAW ENFORCEMENT  
OFFICER DATABASE; CREATING THE LAW ENFORCEMENT CERTIFICATION

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1 BOARD; CREATING THE NEW MEXICO LAW ENFORCEMENT STANDARDS AND  
2 TRAINING COUNCIL; INCREASING THE STATUTE OF LIMITATIONS FOR  
3 SECOND DEGREE MURDER; MAKING A THREAT OF A SHOOTING UNLAWFUL;  
4 CLARIFYING EXCEPTIONS FOR UNLAWFUL POSSESSION OF A HANDGUN BY A  
5 PERSON; CLARIFYING THE PENALTY FOR RECEIPT, TRANSPORTATION OR  
6 POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE BY A SERIOUS  
7 VIOLENT FELON; ADDING PENALTIES FOR AGGRAVATED FLEEING A LAW  
8 ENFORCEMENT OFFICER; MAKING AVAILABLE GLOBAL POSITIONING SYSTEM  
9 DATA ON DEFENDANTS ON PRETRIAL RELEASE; CLARIFYING NONCAPITAL  
10 FELONY SENTENCING PROVISIONS; PROVIDING FOR A SENTENCING  
11 ENHANCEMENT WHEN A FIREARM IS USED DURING THE COMMISSION OF A  
12 DRUG TRANSACTION OR SERIOUS VIOLENT OFFENSE; CLARIFYING THAT A  
13 FIREARM USED DURING THE COMMISSION OF A DRUG TRANSACTION OR  
14 SERIOUS VIOLENT OFFENSE MAY BE SEIZED; REQUIRING LAW  
15 ENFORCEMENT AGENCIES TO CONSULT INFORMATION IN THE LAW  
16 ENFORCEMENT OFFICER DATABASE WHEN MAKING EMPLOYMENT DECISIONS;  
17 ENACTING THE VIOLENCE INTERVENTION PROGRAM ACT; CREATING THE  
18 VIOLENCE INTERVENTION PROGRAM FUND; ESTABLISHING APPLICATION  
19 AND REPORTING REQUIREMENTS; CREATING THE CRIME OF THREATENING A  
20 JUDGE OR IMMEDIATE FAMILY MEMBER OF A JUDGE; CREATING THE CRIME  
21 OF MALICIOUS SHARING OF PERSONAL INFORMATION OF A JUDGE OR AN  
22 IMMEDIATE FAMILY MEMBER OF A JUDGE; CREATING THE CRIME OF  
23 OPERATING A CHOP SHOP; PROVIDING PENALTIES.

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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1           SECTION 1. A new section of the Department of Finance and  
2 Administration Act is enacted to read:

3           "[NEW MATERIAL] DISTRIBUTION OF FUNDS.--The department of  
4 finance and administration shall establish a program to  
5 distribute funds for local law enforcement agencies to provide  
6 recruitment and retention stipends to law enforcement officers.  
7 The program shall establish criteria for distribution of funds  
8 appropriated for that purpose, prioritizing recruitment and  
9 retention of personnel to increase investigative capacity. The  
10 program shall also establish appropriate guidelines on the use  
11 of those funds, including recruitment and retention stipends  
12 that may be distributed to:

13           A. a person who is not certified as a law  
14 enforcement officer pursuant to the Law Enforcement Training  
15 Act upon employment with a law enforcement agency; provided  
16 that the recipient successfully obtains such certification;

17           B. a person who is certified as a law enforcement  
18 officer pursuant to the Law Enforcement Training Act upon  
19 employment with a law enforcement agency; provided that the  
20 recipient remains employed with that agency for three months;  
21 and

22           C. a person who is certified as a law enforcement  
23 officer pursuant to the Law Enforcement Training Act currently  
24 employed by a law enforcement agency; provided that the law  
25 enforcement officer remains employed with that law enforcement

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1 officer's current agency for one additional year."

2 SECTION 2. Section 9-19-8 NMSA 1978 (being Laws 1987,  
3 Chapter 254, Section 8, as amended) is amended to read:

4 "9-19-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The  
5 governor's organized crime prevention commission, the New  
6 Mexico law enforcement standards and training council and the  
7 [~~New Mexico~~] law enforcement [~~academy~~] certification board are  
8 administratively attached to the department in accordance with  
9 the Executive Reorganization Act."

10 SECTION 3. Section 29-4A-5 NMSA 1978 (being Laws 1995,  
11 Chapter 59, Section 5, as amended) is amended to read:

12 "29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL  
13 MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL  
14 DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

15 A. There is created the "peace officers', New  
16 Mexico mounted patrol members' and reserve police officers'  
17 survivors supplemental death benefits review committee". The  
18 committee shall consist of the attorney general, the chief of  
19 the New Mexico state police and the state president of the  
20 fraternal order of police or their designees.

21 B. The peace officers', New Mexico mounted patrol  
22 members' and reserve police officers' survivors supplemental  
23 death benefits review committee shall determine whether a peace  
24 officer, New Mexico mounted patrol member or reserve police  
25 officer has been killed in the line of duty and advise the

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1 secretary of that determination. In addition to any other  
 2 death benefits provided by law, the surviving spouse, children  
 3 or parents shall be paid [~~two hundred fifty thousand dollars~~  
 4 ~~(\$250,000)~~] one million dollars (\$1,000,000) as supplemental  
 5 death benefits whenever a peace officer, New Mexico mounted  
 6 patrol member or reserve police officer is killed in the line  
 7 of duty. The benefits shall be paid from the fund.

8 C. The benefits shall be paid first to the  
 9 surviving spouse. If there is no surviving spouse, the  
 10 benefits shall be distributed in pro rata shares to all  
 11 surviving children. If there are no surviving children or  
 12 spouse, benefits shall be distributed to the surviving  
 13 parents of the peace officer, New Mexico mounted patrol member  
 14 or reserve police officer."

15 SECTION 4. Section 29-7-3 NMSA 1978 (being Laws 1979,  
 16 Chapter 202, Section 42, as amended) is amended to read:

17 "29-7-3. NEW MEXICO LAW ENFORCEMENT [~~ACADEMY BOARD~~]  
 18 STANDARDS AND TRAINING COUNCIL.--

19 A. There is created the "New Mexico law enforcement  
 20 [~~academy board~~] standards and training council".

21 [~~B. The academy shall be controlled and supervised~~  
 22 ~~by policy set by the board. The board shall be composed of the~~  
 23 ~~attorney general, who shall serve automatically by reason of~~  
 24 ~~office and serve as chair of the board, and eight members who~~  
 25 ~~are qualified electors to be appointed by the governor and~~

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1 ~~confirmed by the senate. An appointed board member shall serve~~  
2 ~~and have all of the duties, responsibilities and authority of~~  
3 ~~that office during the period prior to the final action by the~~  
4 ~~senate in confirming or rejecting the appointment.]~~

5 B. The council shall develop and adopt basic  
6 training and in-service training standards for police officers  
7 and telecommunicators in New Mexico.

8 C. The council shall consist of the director of the  
9 New Mexico law enforcement academy and the directors of all the  
10 satellite law enforcement academies, who shall serve  
11 automatically by reason of their position. The remaining seven  
12 members of the council shall be appointed by the governor and  
13 confirmed by the senate. An appointed council member shall  
14 serve and have all of the duties, responsibilities and  
15 authority of that office during the period prior to the final  
16 action by the senate in confirming or rejecting the  
17 appointment. The members appointed by the governor shall  
18 consist of one attorney who is currently employed in a district  
19 attorney's office; one attorney who is currently employed by  
20 the public defender department; one certified police chief of a  
21 New Mexico Indian nation, tribe or pueblo; two members who have  
22 experience and specialize in providing adult education; and two  
23 citizen-at-large members, one of whom shall have experience as  
24 a behavioral health provider and neither of whom shall be a  
25 police officer or retired police officer or have familial or

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1 financial connections to a police officer or any agency or  
 2 department for which a police officer works. Vacancies shall  
 3 be filled by the governor for the unexpired term.

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

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

22           SECTION 5. Section 29-7-4 NMSA 1978 (being Laws 1969,  
 23 Chapter 264, Section 6, as amended) is amended to read:

24           "29-7-4. POWERS AND DUTIES OF [~~BOARD~~] COUNCIL.--The  
 25 [~~board~~] council shall:

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

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

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

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

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

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

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

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

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

24           ~~[F.]~~ E. adopt, publish and file, in accordance with  
25 the provisions of the State Rules Act, all ~~[regulations and]~~

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

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

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

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

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

14 I. ~~perform all other acts appropriate to the~~  
 15 ~~development and operation of the academy] Sections 29-7-2~~  
 16 ~~through 29-7-7.7, 29-7-12, 29-7-14, 29-7C-4, 29-7C-5 and~~  
 17 ~~29-7C-7 NMSA 1978."~~

18 SECTION 6. A new section of the Law Enforcement Training  
 19 Act, Section 29-7-4.4 NMSA 1978, is enacted to read:

20 "29-7-4.4. [NEW MATERIAL] LAW ENFORCEMENT OFFICER  
 21 TRAINING.--The curriculum of each basic law enforcement  
 22 training class and in-service training each year for certified  
 23 police officers shall include:

24 A. crisis management and intervention;

25 B. dealing with individuals who are experiencing

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1 mental health issues;

2 C. methods of de-escalation;

3 D. peer-to-peer intervention;

4 E. stress management;

5 F. racial sensitivity;

6 G. reality-based situational training; and

7 H. use of force training that includes the  
8 elimination of vascular neck restraints."

9 SECTION 7. A new section of the Law Enforcement Training  
10 Act, Section 29-7-16 NMSA 1978, is enacted to read:

11 "29-7-16. [NEW MATERIAL] LAW ENFORCEMENT OFFICER  
12 DATABASE.--

13 A. By no later than June 30, 2023, the secretary of  
14 public safety shall create a database to coordinate the sharing  
15 of information among state, local and federal law enforcement  
16 agencies concerning instances of excessive use of force related  
17 to law enforcement matters. Ownership and responsibility to  
18 maintain the database shall transfer to the board on July 1,  
19 2023.

20 B. The database provided for in Subsection A of  
21 this section shall include a mechanism to track terminations,  
22 resignations and decertifications of law enforcement officers,  
23 criminal convictions of law enforcement officers for on-duty  
24 conduct and civil judgments against law enforcement officers  
25 for improper use of force; provided that the database shall

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1 distinguish between instances in which a judicial,  
2 administrative or other factual or legal determination was made  
3 and those in which no judicial, administrative or other factual  
4 or legal determination was made.

5 C. Each law enforcement agency shall notify the  
6 secretary of public safety regarding any notice of  
7 terminations, resignations, decertifications of law enforcement  
8 officers, criminal convictions of law enforcement officers for  
9 on-duty conduct and civil judgments against law enforcement  
10 officers for on-duty conduct. Each law enforcement agency  
11 shall also notify the secretary of public safety regarding each  
12 written agreement made between the agency and any of the  
13 agency's employees or former employees that includes terms of  
14 separation or otherwise relates to the law enforcement  
15 officer's employment with the agency. After July 1, 2023,  
16 notice shall be made to the board.

17 D. Upon a particularized showing of the need for  
18 the requested data, the board shall make available to a law  
19 enforcement agency data regarding specific law enforcement  
20 officers whose identity has been entered into the database  
21 described in Subsection A of this section.

22 E. The board shall annually provide a report to the  
23 governor and the legislature regarding the status of law  
24 enforcement officers and former law enforcement officers in the  
25 state, including aggregated and anonymized data from the

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1 database described in Subsection A of this section.

2 F. As used in this section "law enforcement  
3 officer" means any commissioned employee of a law enforcement  
4 agency that is part of or administered by the state or any  
5 political subdivision of the state and includes any employee of  
6 a missile range civilian police department who is a graduate of  
7 a recognized certified regional law enforcement training  
8 facility and who is currently certifiable by the academy, which  
9 employee is responsible for the prevention and detection of  
10 crime or the enforcement of the penal or traffic or highway  
11 laws of this state. "Law enforcement officer" includes  
12 sheriffs and deputy sheriffs. As used in this subsection,  
13 "commissioned" means an employee of a law enforcement agency  
14 who is authorized by a sheriff or chief of police to apprehend,  
15 arrest and bring before the court all violators within the law  
16 enforcement agency's jurisdiction."

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

19 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director  
20 shall be under the supervision and direction of the secretary  
21 of public safety. The director shall:

22 A. be the chief executive officer of the academy  
23 and employ necessary personnel;

24 B. issue a certificate of completion to any person  
25 who:

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

5 (2) graduates from an approved basic  
 6 telecommunicator training program and who satisfies the  
 7 qualifications for certification as set forth in the Public  
 8 Safety Telecommunicator Training Act;

9 C. perform all other acts necessary and appropriate  
 10 to the carrying out of [~~his~~] the director's duties;

11 [~~D. act as executive secretary to the board;~~

12 ~~E. carry out the policy as set by the board]~~

13 D. implement the training standards and  
 14 requirements developed and adopted by the council; and

15 [~~F.~~] E. annually evaluate the courses of  
 16 instruction being offered by the academy and make necessary  
 17 modifications and adjustments to the programs."

18 **SECTION 9.** Section 29-7-5.1 NMSA 1978 (being Laws 1979,  
 19 Chapter 202, Section 45, as amended) is amended to read:

20 "29-7-5.1. REMOVAL OF DIRECTOR.--The director may be  
 21 removed by the [~~board~~] secretary in accordance with the  
 22 procedures provided in Section 29-2-11 NMSA 1978 for removal of  
 23 members of the New Mexico state police holding permanent  
 24 commissions. In the case of removal proceedings for the  
 25 director under that section, "commission", as used in

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1 Subsections C and D of Section 29-2-11 NMSA 1978, shall be  
2 construed to mean the New Mexico law enforcement [~~academy~~  
3 ~~board~~] standards and training council."

4 SECTION 10. Section 29-7-7 NMSA 1978 (being Laws 1981,  
5 Chapter 114, Section 6, as amended) is amended to read:

6 "29-7-7. DEFINITIONS.--For the purpose of the Law  
7 Enforcement Training Act:

8 A. "academy" means the New Mexico law enforcement  
9 academy;

10 B. "basic law enforcement training" means a course  
11 consisting of not less than four hundred hours of instruction  
12 in basic law enforcement training as required by the Law  
13 Enforcement Training Act;

14 C. "board" means the [~~New Mexico~~] law enforcement  
15 [~~academy~~] certification board;

16 D. "conviction" means an adjudication of guilt or a  
17 plea of no contest and includes convictions that are suspended  
18 or deferred;

19 E. "council" means the New Mexico law enforcement  
20 standards and training council;

21 [~~E.~~] F. "director" means the director of the  
22 division;

23 [~~F.~~] G. "division" means the New Mexico law  
24 enforcement academy of the department of public safety;

25 [~~G.~~] H. "in-service law enforcement training" means

1 a course of instruction required of all certified peace  
2 officers and designed to train and equip all police officers in  
3 the state with specific law enforcement skills and to ensure  
4 the continuing development of all police officers in the state.  
5 The training and instruction shall be kept current and may be  
6 conducted on a regional basis at the discretion of the  
7 director;

8 I. "law enforcement agency" means an agency of the  
9 state or local political subdivision of the state that employs  
10 certified law enforcement officers or the police department of  
11 a tribe that has entered into an agreement with the department  
12 of public safety pursuant to Section 29-1-11 NMSA 1978;

13 [~~H.~~] J. "police officer" means any commissioned  
14 employee of a law enforcement agency that is part of or  
15 administered by the state or any political subdivision of the  
16 state, and includes any employee of a missile range civilian  
17 police department who is a graduate of a recognized certified  
18 regional law enforcement training facility and who is currently  
19 certifiable by the academy, which employee is responsible for  
20 the prevention and detection of crime or the enforcement of the  
21 penal, or traffic or highway laws of this state. The term  
22 specifically includes deputy sheriffs. Sheriffs are eligible  
23 to attend the academy and are eligible to receive certification  
24 as provided in the Law Enforcement Training Act. As used in  
25 this subsection, "commissioned" means an employee of a law

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1 enforcement agency who is authorized by a sheriff or chief of  
2 police to apprehend, arrest and bring before the court all  
3 violators within the [~~state~~] law enforcement agency's  
4 jurisdiction; and

5 [~~F.~~] K. "certified regional law enforcement  
6 training facility" means a law enforcement training facility  
7 within the state certified by the director, with the approval  
8 of the academy's board of directors, that offers basic law  
9 enforcement training and in-service law enforcement training  
10 that is comparable to or exceeds the standards of the programs  
11 of the academy."

12 SECTION 11. Section 29-7-7.2 NMSA 1978 (being Laws 1981,  
13 Chapter 144, Section 8, as amended) is amended to read:

14 "29-7-7.2. REPORTS.--Every law enforcement agency within  
15 the state shall submit quarterly a report to the director and  
16 the board on the status of each police officer employed by the  
17 law enforcement agency. The reports shall include the status  
18 of in-service law enforcement training. The reporting forms  
19 and submittal dates shall be prescribed by the [~~director~~]  
20 board."

21 SECTION 12. Section 29-7-10 NMSA 1978 (being Laws 1971,  
22 Chapter 247, Section 4, as amended by Laws 1981, Chapter 107,  
23 Section 1 and also by Laws 1981, Chapter 114, Section 10) is  
24 amended to read:

25 "29-7-10. CERTIFICATION BY WAIVER.--

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1           A. The [~~director shall~~] board may, with the  
 2 approval of the [~~board~~] council, waive the basic law  
 3 enforcement training program and certify applicants who are  
 4 employed as full-time police officers and who furnish evidence  
 5 of satisfactory completion of a basic law enforcement training  
 6 program which is comparable to or exceeds the standards of the  
 7 programs of the academy.

8           B. All individuals allowed a waiver under this  
 9 section [~~must~~] shall meet the requirements set out in the Law  
 10 Enforcement Training Act, and this section shall not be  
 11 construed to exempt them from [~~such~~] those requirements in any  
 12 manner."

13           SECTION 13. Section 29-7-12 NMSA 1978 (being Laws 1981,  
 14 Chapter 114, Section 12, as amended) is amended to read:

15           "29-7-12. CHARGES--FUND CREATED--USE.--

16           A. The division shall not charge local public  
 17 bodies or New Mexico Indian tribes or pueblos for any expenses  
 18 associated with providing basic law enforcement training  
 19 programs to applicants for certification seeking commission  
 20 pursuant to the provisions of the Law Enforcement Training Act.  
 21 The division may charge state agencies and institutions and  
 22 federal agencies and shall charge civilian participants for the  
 23 cost of providing basic law enforcement training programs,  
 24 which charges shall be specified in a tuition and fee schedule  
 25 promulgated by the [~~board~~] council and shall not exceed the

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1 actual cost of providing the training programs.

2 B. The division may charge state agencies and  
3 institutions, local public bodies, New Mexico Indian tribes and  
4 pueblos and federal agencies and shall charge civilian  
5 participants for the cost of providing advanced training  
6 programs, which charges shall be specified in a tuition and fee  
7 schedule promulgated by the [~~board~~] council and shall not  
8 exceed the actual cost of providing the training programs.

9 C. The division may charge for the rental or other  
10 use of the academy's facility, personnel and equipment, which  
11 charges shall be specified in a tuition and fee schedule  
12 promulgated by the [~~board~~] council and shall not exceed the  
13 actual cost of the facility, personnel or equipment.

14 D. The "law enforcement training and recruiting  
15 fund" is created in the state treasury. Money received by the  
16 division for activities specified in this section shall be  
17 deposited in the fund. The department of public safety shall  
18 administer the fund, and money in the fund is appropriated to  
19 the division to offset the operational costs of the division.  
20 Money in the fund shall be nonreverting. Money shall be  
21 expended on warrants issued by the secretary of finance and  
22 administration upon vouchers signed by the secretary of public  
23 safety or the secretary of public safety's authorized  
24 representative.

25 E. As used in this section, "local public body"

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1 means all political subdivisions of the state and their  
2 agencies, instrumentalities and institutions."

3 SECTION 14. A new section of the Law Enforcement Training  
4 Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

5 "29-7-4.3. [NEW MATERIAL] LAW ENFORCEMENT CERTIFICATION  
6 BOARD--APPOINTMENT--POWERS AND DUTIES.--

7 A. The "law enforcement certification board" is  
8 established and administratively attached to the department of  
9 public safety as an independent board in accordance with the  
10 Executive Reorganization Act. The board consists of nine  
11 members appointed by the governor with the advice and consent  
12 of the senate. No more than five members of the board shall be  
13 members of the same political party. The members of the board  
14 shall be appointed for five-year terms. Two of the initial  
15 board members shall be appointed for one-year terms; two of the  
16 initial board members shall be appointed for two-year terms;  
17 two of the initial board members shall be appointed for three-  
18 year terms; two of the initial board members shall be appointed  
19 for four-year terms; and one of the initial board members shall  
20 be appointed for a five-year term.

21 B. The board shall include the following members:

- 22 (1) a retired judge, who shall serve as chair  
23 of the board;
- 24 (2) a municipal peace officer;
- 25 (3) a sheriff;

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1 (4) a tribal law peace officer;

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

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

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

9 C. The board shall:

10 (1) deny, suspend or revoke:

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

13 (b) a telecommunicator's certification  
14 for just cause as provided in the Public Safety  
15 Telecommunicator Training Act; and

16 (2) conduct investigations, administer oaths  
17 and subpoena persons as necessary to make determination  
18 regarding fitness of a law enforcement officer to execute a law  
19 enforcement officer's duties.

20 D. The board may require by subpoena the attendance  
21 of witnesses or the production of records and other evidence  
22 relevant to an investigation and shall have such other powers  
23 and duties and administer or enforce such other acts as further  
24 provided by law.

25 E. The board shall appoint a chief executive

1 officer to assist the board in carrying out its functions. The  
2 chief executive officer shall employ persons as necessary to  
3 assist the board in carrying out its functions.

4 F. In carrying out its duties, including those  
5 described in Subsections C and H of this section, the board  
6 shall take into consideration any pertinent information that  
7 may be contained in the law enforcement officer database  
8 established in Section 29-7-16 NMSA 1978.

9 G. The board shall adopt, publish and file, in  
10 accordance with the provisions of the State Rules Act, all  
11 rules concerning the implementation and enforcement of the Law  
12 Enforcement Training Act and Public Safety Telecommunicator  
13 Training Act except those sections enumerated in Subsection E  
14 of Section 29-7-4 NMSA 1978 for which rules shall be adopted,  
15 published and filed by the council.

16 H. The board shall issue or renew a certification  
17 to:

18 (1) graduates from an approved basic law  
19 enforcement training program who satisfy the qualifications for  
20 certification as set forth in Section 29-7-6 NMSA 1978,  
21 considering how information contained in the law enforcement  
22 officer database established in Section 29-7-16 NMSA 1978  
23 reflects upon the graduate's moral character pursuant to  
24 Paragraph (7) of Subsection A of Section 29-7-6 NMSA 1978; or

25 (2) graduates from an approved basic

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1 telecommunicator training program who satisfy the  
2 qualifications for certification as set forth in the Public  
3 Safety Telecommunicator Training Act.

4 I. Members of the board shall receive, for their  
5 service as members of the board, per diem and mileage as  
6 provided in the Per Diem and Mileage Act."

7 SECTION 15. Section 29-7C-2 NMSA 1978 (being Laws 2003,  
8 Chapter 320, Section 4) is amended to read:

9 "29-7C-2. DEFINITIONS.--As used in the Public Safety  
10 Telecommunicator Training Act:

11 A. "board" means the [~~New Mexico~~] law enforcement  
12 [~~academy~~] certification board;

13 B. "certified" means meeting the training standards  
14 established by statute and rule as determined by the board;

15 C. "council" means the New Mexico law enforcement  
16 standards and training council;

17 [~~G.~~] D. "director" means the director of the New  
18 Mexico law enforcement academy;

19 [~~D.~~] E. "dispatch" means the relay of information  
20 to public safety personnel by all forms of communication;

21 [~~E.~~] F. "safety agency" means a unit of state or  
22 local government, a special purpose district or a private  
23 business that provides police, firefighting or emergency  
24 medical services; and

25 [~~F.~~] G. "telecommunicator" means an employee or

1 volunteer of a safety agency who:

2 (1) receives calls or dispatches the  
3 appropriate personnel or equipment in response to calls for  
4 police, fire or medical services; and

5 (2) makes decisions affecting the life, health  
6 or welfare of the public or safety employees."

7 SECTION 16. Section 29-7C-4 NMSA 1978 (being Laws 2003,  
8 Chapter 320, Section 6) is amended to read:

9 "29-7C-4. BASIC TELECOMMUNICATOR TRAINING PROGRAM.--The  
10 [~~board~~] council shall develop and adopt a basic  
11 telecommunicator training program for telecommunicator  
12 certification. The program shall be constructed to meet the  
13 minimum basic needs of telecommunicators in New Mexico."

14 SECTION 17. Section 29-7C-5 NMSA 1978 (being Laws 2003,  
15 Chapter 320, Section 7) is amended to read:

16 "29-7C-5. MINIMUM TRAINING STANDARDS FOR CERTIFICATION.--

17 A. A telecommunicator shall satisfy the  
18 qualifications for certification set forth in the Public Safety  
19 Telecommunicator Training Act within twelve months after  
20 beginning employment and shall provide a certificate of  
21 completion to the director.

22 B. The director shall waive the training  
23 requirements set forth in Subsection A of this section for a  
24 police radio dispatcher who is certified as a police radio  
25 dispatcher and has met all other requirements set forth by the

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1 [board] council."

2 SECTION 18. Section 29-7C-6 NMSA 1978 (being Laws 2003,  
3 Chapter 320, Section 8) is amended to read:

4 "29-7C-6. CERTIFICATION BY WAIVER.--

5 A. The [~~director shall~~] board may, with the  
6 approval of the council, waive the basic telecommunicator  
7 training program and certify applicants who furnish evidence of  
8 satisfactory completion of a basic telecommunicator training  
9 program that, in the director's opinion, is substantially  
10 equivalent to the board's basic telecommunicator training  
11 program.

12 B. A telecommunicator granted a waiver under this  
13 section shall meet all other requirements set out in the Public  
14 Safety Telecommunicator Training Act."

15 SECTION 19. Section 29-7C-8 NMSA 1978 (being Laws 2003,  
16 Chapter 320, Section 10) is amended to read:

17 "29-7C-8. REPORTS AND ROSTERS.--

18 A. A safety agency that operates within the state  
19 shall submit a quarterly report to the director and the board  
20 on the status of each telecommunicator. The reporting forms  
21 and submittal dates shall be prescribed by the director.

22 B. The director and the board shall maintain a  
23 roster of all certified telecommunicators."

24 SECTION 20. A new section of the Public Safety  
25 Telecommunicator Training Act is enacted to read:

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1 "[NEW MATERIAL] PUBLIC SAFETY TELECOMMUNICATOR TRAINING.--

2 The curriculum of each basic telecommunicator training class  
3 and in-service training each year for telecommunicators shall  
4 include:

5 A. crisis management and intervention;

6 B. dealing with individuals who are experiencing  
7 mental health issues;

8 C. methods of de-escalation;

9 D. peer-to-peer intervention;

10 E. stress management;

11 F. racial sensitivity; and

12 G. reality-based situational training."

13 SECTION 21. Section 29-13-3 NMSA 1978 (being Laws 1983,  
14 Chapter 289, Section 3, as amended) is amended to read:

15 "29-13-3. DISTRIBUTION OF CERTAIN INSURANCE COLLECTIONS--  
16 LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in  
17 the state treasury the "law enforcement protection fund". Ten  
18 percent of all money received for fees, licenses and penalties  
19 from life, general casualty and title insurance business  
20 pursuant to the New Mexico Insurance Code shall be paid monthly  
21 to the state treasurer and credited to the fund. On or before  
22 June 30 of each year, the state treasurer shall transfer to the  
23 [~~general fund~~] law enforcement retention fund any balance in  
24 the law enforcement protection fund in excess of one hundred  
25 thousand dollars (\$100,000) that is not obligated for expenses

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1 in that current fiscal year."

2 SECTION 22. That version of Section 29-13-4 NMSA 1978  
3 (being Laws 1993, Chapter 179, Section 6, as amended) that is  
4 to become effective July 1, 2022 is amended to read:

5 "29-13-4. DETERMINATION OF NEEDS AND RATE OF  
6 DISTRIBUTION.--

7 A. Annually on or before April 15, the division  
8 shall consider and determine the relative needs as requested by  
9 tribal, municipal, school district and university police  
10 departments, county sheriff's departments, the department of  
11 public safety and the academy for money in the fund in the  
12 succeeding fiscal year pursuant to the provisions of  
13 Subsections C and E of this section.

14 B. As necessary during the year, the division shall  
15 transfer an amount from the fund to the peace officers', New  
16 Mexico mounted patrol members' and reserve police officers'  
17 survivors fund that enables the balance of the peace officers',  
18 New Mexico mounted patrol members' and reserve police officers'  
19 survivors fund to be maintained at a minimum balance of three  
20 hundred fifty thousand dollars (\$350,000) through fiscal year  
21 2023 and one million dollars (\$1,000,000) thereafter.

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

24 (1) all municipal police, school district  
25 police and county sheriff's departments shall be entitled to a

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1 rate of distribution of forty-five thousand dollars (\$45,000)  
2 through fiscal year 2023 and ninety-five thousand dollars  
3 (\$95,000) thereafter;

4 (2) university police departments shall be  
5 entitled to a rate of distribution of forty-five thousand  
6 dollars (\$45,000) through fiscal year 2023 and ninety-five  
7 thousand dollars (\$95,000) thereafter;

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 29-7-7.7 NMSA  
11 1978 and to a rate of distribution of two hundred thousand  
12 dollars (\$200,000) to carry out the purposes of the Law  
13 Enforcement Training Act;

14 (4) tribal police departments shall be  
15 entitled, unless allocations are adjusted pursuant to the  
16 provisions of Subsection D of this section, to one thousand  
17 dollars (\$1,000) through fiscal year 2023 and one thousand five  
18 hundred dollars (\$1,500) thereafter for each commissioned peace  
19 officer in the tribe. To be counted as a commissioned peace  
20 officer for the purposes of this paragraph, a commissioned  
21 peace officer shall have been assigned to duty and have worked  
22 in New Mexico for no fewer than two hundred days in the  
23 calendar year immediately prior to the date of payment.  
24 Payments shall be made for only those divisions of the tribal  
25 police departments that perform services in New Mexico. A

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1 tribal police department shall not be eligible for any  
2 disbursement under the fund if commissioned peace officers cite  
3 non-Indians into the tribal court for civil or criminal  
4 citations;

5 (5) municipal, school district and university  
6 police and county sheriff's departments shall be entitled,  
7 unless allocations are adjusted pursuant to the provisions of  
8 Subsection D of this section, to one thousand dollars (\$1,000)  
9 through fiscal year 2023 and one thousand five hundred dollars  
10 (\$1,500) thereafter for each police officer or sheriff's deputy  
11 employed full time by that department who has been certified by  
12 the [~~academy, or by a regional law enforcement training~~  
13 ~~facility in the state certified by the director of the academy]~~  
14 law enforcement certification board as a police officer or has  
15 been authorized to act as a New Mexico peace officer pursuant  
16 to the provisions of Section 29-1-11 NMSA 1978; and

17 (6) municipal police, sheriff's and school  
18 district police departments that assign officers as school  
19 resource officers shall be entitled to one thousand dollars  
20 (\$1,000) through fiscal year 2023 and one thousand five hundred  
21 dollars (\$1,500) thereafter for each assigned school resource  
22 officer's training pursuant to Section [~~1 of this 2020 act]~~  
23 29-7-14 NMSA 1978.

24 D. After distributions are determined in accordance  
25 with Subsection A, Subsection B and Paragraphs (1), (2), (3)

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underscored material = new  
[bracketed material] = delete

1 and (6) of Subsection C of this section, if the balance in the  
 2 fund is insufficient to permit the total allocations provided  
 3 by Paragraphs (4) and (5) of Subsection C of this section, the  
 4 division shall reduce that allocation to the maximum amount  
 5 permitted by available money.

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

11 F. The division shall confirm, before making any  
 12 distribution under this section, that the beneficiary is in  
 13 compliance with all of the beneficiary's statutory reporting  
 14 requirements, including those described in Subsection C of  
 15 Section 29-3-11 NMSA 1978, Subsection B of Section 29-7-7.1  
 16 NMSA 1978 and Sections 29-7-7.2, 29-7-16, 29-7C-7 and 29-7C-8  
 17 NMSA 1978, and, beginning on July 1, 2023, that the beneficiary  
 18 is in compliance with any active investigations by the law  
 19 enforcement certification board and Section 34 of this 2022  
 20 act."

21 **SECTION 23.** That version of Section 29-13-7 NMSA 1978  
 22 (being Laws 1983, Chapter 289, Section 7, as amended by Laws  
 23 2020, Chapter 54, Section 1 and by Laws 2020, Chapter 67,  
 24 Section 6) that is to become effective July 1, 2022 is amended  
 25 to read:

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1 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

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

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

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

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

14 (4) maintaining the balance of the peace  
15 officers', New Mexico mounted patrol members' and reserve  
16 police officers' survivors fund at a minimum amount of three  
17 hundred fifty thousand dollars (\$350,000) through fiscal year  
18 2023 and one million dollars (\$1,000,000) thereafter;

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

22 (6) no more than fifty percent of the  
23 replacement salaries of municipal and county law enforcement  
24 personnel of municipalities or counties participating in basic  
25 law enforcement training;

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1 (7) a law enforcement officer retention  
 2 [~~payment~~] differential in the amount of seven thousand five  
 3 hundred dollars (\$7,500); provided that:

4 (a) the distribution is requested by a  
 5 municipality or county law enforcement agency [~~that on January~~  
 6 ~~1, 2018 had a staffing vacancy rate of at least ten percent~~] to  
 7 retain a law enforcement officer who is certified in accordance  
 8 with the Law Enforcement Training Act and has at least twenty  
 9 years of actual service credit earned under a municipal police  
 10 member coverage plan as determined by the public employees  
 11 retirement association;

12 (b) the municipality or county law  
 13 enforcement agency provides seven thousand five hundred dollars  
 14 (\$7,500) in matching funds to the law enforcement officer;  
 15 [~~and~~]

16 (c) the law enforcement officer remains  
 17 employed with that municipality or county law enforcement  
 18 agency for one additional year; and

19 [~~(e)~~] (d) the distribution and the  
 20 matching funds paid to a law enforcement officer shall not  
 21 constitute the officer's base salary or wages and shall not be  
 22 considered to be salary or otherwise be used to determine a  
 23 pension for the purposes of the Public Employees Retirement  
 24 Act; and

25 (8) recruiting, providing [~~bonuses~~] stipends

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1 for and training law enforcement officers engaged in community-  
2 oriented policing; provided that any law enforcement officer  
3 who receives a stipend in accordance with this paragraph  
4 remains employed with the law enforcement agency providing the  
5 stipend for one additional year.

6 B. For the academy, amounts distributed from the  
7 fund shall be expended only for providing tourniquet and trauma  
8 kits and training on the use of tourniquet and trauma kits  
9 pursuant to Section 29-7-7.7 NMSA 1978 and to carry out the  
10 purposes of the Law Enforcement Training Act.

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

13 (1) shall:

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

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

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

24 D. Amounts distributed from the fund shall be  
25 expended only pursuant to approved budgets and upon duly

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1 executed vouchers approved as required by law."

2 SECTION 24. Section 30-1-8 NMSA 1978 (being Laws 1963,  
3 Chapter 303, Section 1-8, as amended) is amended to read:

4 "30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A  
5 person shall not be prosecuted, tried or punished in any court  
6 of this state unless the indictment is found or information or  
7 complaint is filed within the time as provided:

8 A. for a second degree felony, within six years  
9 from the time the crime was committed;

10 B. for a third or fourth degree felony, within five  
11 years from the time the crime was committed;

12 C. for a misdemeanor, within two years from the  
13 time the crime was committed;

14 D. for a petty misdemeanor, within one year from  
15 the time the crime was committed;

16 E. for any crime against or violation of Section  
17 51-1-38 NMSA 1978, within three years from the time the crime  
18 was committed;

19 F. for a felony pursuant to Section 7-1-71.3,  
20 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the  
21 crime was committed; provided that for a series of crimes  
22 involving multiple filing periods within one calendar year, the  
23 limitation shall begin to run on December 31 of the year in  
24 which the crimes occurred;

25 G. for an identity theft crime pursuant to Section

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1 30-16-24.1 NMSA 1978, within five years from the time the crime  
2 was discovered;

3 H. for any crime not contained in the Criminal Code  
4 or where a limitation is not otherwise provided for, within  
5 three years from the time the crime was committed; and

6 I. for a capital felony [~~or~~], a first degree  
7 violent felony or second degree murder pursuant to Subsection B  
8 of Section 30-2-1 NMSA 1978, no limitation period shall exist  
9 and prosecution for these crimes may commence at any time after  
10 the occurrence of the crime."

11 SECTION 25. Section 30-20-16 NMSA 1978 (being Laws 1975,  
12 Chapter 285, Section 1, as amended) is amended to read:

13 "30-20-16. BOMB SCARES AND SHOOTING THREATS UNLAWFUL.--

14 A. Making a bomb scare consists of falsely and  
15 maliciously stating to another person that a bomb or other  
16 explosive has been placed in such a position that property or  
17 persons are likely to be injured or destroyed.

18 B. Making a shooting threat consists of  
19 intentionally communicating to another person that the person  
20 making the threat intends to bring a firearm to a property or  
21 use the firearm with the intent to:

22 (1) place a person or group of persons in fear  
23 of great bodily harm;

24 (2) prevent or interrupt the occupation or use  
25 of a public building; or

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1                    (3) cause a response to the threat by a law  
2 enforcement official or volunteer agency organized to deal with  
3 emergencies.

4                    [~~B.~~] C. Whoever commits making a bomb scare is  
5 guilty of a fourth degree felony.

6                    D. Whoever commits making a shooting threat is  
7 guilty of a misdemeanor.

8                    [~~E.~~] E. A court may order a person convicted for  
9 the offense of making a bomb scare or shooting threat to  
10 reimburse the victim of the offense for economic harm caused by  
11 that offense.

12                    [~~F.~~] F. As used in this section, "economic harm"  
13 means all direct, incidental and consequential financial harm  
14 suffered by a victim of the offense of making a bomb scare or  
15 shooting threat. "Economic harm" includes:

16                    (1) wages, salaries or other compensation lost  
17 as a result of the commission of the offense of making a bomb  
18 scare or shooting threat;

19                    (2) the cost of all wages, salaries or other  
20 compensation paid to employees for time that those employees  
21 are prevented from working as a result of the commission of the  
22 offense of making a bomb scare or shooting threat; and

23                    (3) overhead costs incurred for the period of  
24 time that a business is shut down as a result of the commission  
25 of the offense of making a bomb scare or shooting threat.

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1           ~~[E. This section shall not be construed to limit a~~  
2 ~~court's authority to order restitution to a victim of the~~  
3 ~~offense of making a bomb scare pursuant to other provisions of~~  
4 ~~law.]"~~

5           SECTION 26. Section 30-7-2.2 NMSA 1978 (being Laws 1994,  
6 Chapter 22, Section 2) is amended to read:

7           "30-7-2.2. UNLAWFUL POSSESSION OF A HANDGUN BY A PERSON--  
8 EXCEPTIONS--PENALTY.--

9           A. Unlawful possession of a handgun by a person  
10 consists of a person knowingly having a handgun in ~~[his]~~ the  
11 person's possession or knowingly transporting a handgun, except  
12 when the person is:

13                   (1) in attendance at a hunter's safety course  
14 or ~~[a]~~ handgun safety course or participating in a lawful  
15 shooting activity;

16                   (2) engaging in the use of a handgun for  
17 target shooting at an established range authorized by the  
18 governing body of the jurisdiction in which the range is  
19 located or in an area where the discharge of a handgun without  
20 legal justification is not prohibited by law;

21                   (3) engaging in an organized competition  
22 involving the use of a handgun;

23                   (4) participating in or practicing for a  
24 performance by an organization that has been granted exemption  
25 from federal income tax by the United States commissioner of

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1 internal revenue as an organization described in Section  
 2 501(c)(3) of the United States Internal Revenue Code of [~~1954~~]  
 3 1986, as amended or renumbered;

4 (5) engaging in legal hunting or trapping  
 5 activities;

6 (6) traveling, with an unloaded handgun in  
 7 [~~his~~] the person's possession, to or from an activity described  
 8 in Paragraph (1), (2), (3), (4) or (5) of this subsection; or

9 (7) on real property under the control of the  
 10 person's parent, grandparent or legal guardian and the person  
 11 is being supervised by [~~his~~] a parent, grandparent or legal  
 12 guardian.

13 B. A person who commits unlawful possession of a  
 14 handgun by a person is guilty of a misdemeanor.

15 C. As used in this section:

16 (1) "person" means an individual who is less  
 17 than nineteen years old; and

18 (2) "handgun" means a loaded or unloaded  
 19 pistol, revolver or firearm [~~which~~] that will or is designed to  
 20 or may readily be converted to expel a projectile by the action  
 21 of an explosion and the barrel length of which, not including a  
 22 revolving, detachable or magazine breech, does not exceed  
 23 twelve inches."

24 **SECTION 27.** Section 30-7-16 NMSA 1978 (being Laws 1981,  
 25 Chapter 225, Section 1, as amended) is amended to read:

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1 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,  
2 TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

3 A. It is unlawful for the following persons to  
4 receive, transport or possess a firearm or destructive device  
5 in this state:

6 (1) a felon;

7 (2) a person subject to an order of protection  
8 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; or

9 (3) a person convicted of any of the following  
10 crimes:

11 (a) battery against a household member  
12 pursuant to Section 30-3-15 NMSA 1978;

13 (b) criminal damage to property of a  
14 household member pursuant to Section 30-3-18 NMSA 1978;

15 (c) a first offense of stalking pursuant  
16 to Section 30-3A-3 NMSA 1978; or

17 (d) a crime listed in 18 U.S.C. 921.

18 B. A felon found in possession of a firearm shall  
19 be guilty of a third degree felony [~~and shall be sentenced in~~  
20 ~~accordance with the provisions of the Criminal Sentencing Act~~].

21 C. A serious violent felon that is found to be in  
22 possession of a firearm shall be guilty of a third degree  
23 felony, and notwithstanding the provisions of Section 31-18-15  
24 NMSA 1978, shall be sentenced to a basic term of six years  
25 imprisonment.

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1           ~~[G.]~~ D. Any person subject to an order of  
2 protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or  
3 convicted of a crime listed in Paragraph (3) of Subsection A of  
4 this section who receives, transports or possesses a firearm or  
5 destructive device is guilty of a misdemeanor.

6           ~~[D.]~~ E. As used in this section:

7                   (1) except as provided in Paragraph (2) of  
8 this subsection, "destructive device" means:

9                           (a) any explosive, incendiary or poison  
10 gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge  
11 of more than four ounces; 4) missile having an explosive or  
12 incendiary charge of more than one-fourth ounce; 5) mine; or 6)  
13 similar device;

14                           (b) any type of weapon by whatever name  
15 known that will, or that may be readily converted to, expel a  
16 projectile by the action of an explosive or other propellant,  
17 the barrel or barrels of which have a bore of more than one-  
18 half inch in diameter, except a shotgun or shotgun shell that  
19 is generally recognized as particularly suitable for sporting  
20 purposes; or

21                           (c) any combination of parts either  
22 designed or intended for use in converting any device into a  
23 destructive device as defined in this paragraph and from which  
24 a destructive device may be readily assembled;

25                   (2) the term "destructive device" does not

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1 include any device that is neither designed nor redesigned for  
2 use as a weapon or any device, although originally designed for  
3 use as a weapon, that is redesigned for use as a signaling,  
4 pyrotechnic, line throwing, safety or similar device;

5 (3) "felon" means a person convicted of a  
6 felony offense by a court of the United States or of any state  
7 or political subdivision thereof and:

8 (a) less than ten years have passed  
9 since the person completed serving a sentence or period of  
10 probation for the felony conviction, whichever is later;

11 (b) the person has not been pardoned for  
12 the felony conviction by the proper authority; and

13 (c) the person has not received a  
14 deferred sentence; [~~and~~]

15 (4) "firearm" means any weapon that will or is  
16 designed to or may readily be converted to expel a projectile  
17 by the action of an explosion or the frame or receiver of any  
18 such weapon; and

19 (5) "serious violent felon" means a person  
20 convicted of an offense enumerated in Subparagraphs (a) through  
21 (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA  
22 1978; provided that:

23 (a) less than ten years have passed  
24 since the person completed serving a sentence or a period of  
25 probation for the felony conviction, whichever is later;

1                   (b) the person has not been pardoned for  
2 the felony conviction by the proper authority; and

3                   (c) the person has not received a  
4 deferred sentence and completed the total term of deferment as  
5 provided in Section 31-20-9 NMSA 1978."

6           SECTION 28. Section 30-22-1.1 NMSA 1978 (being Laws 2003,  
7 Chapter 260, Section 5) is amended to read:

8           "30-22-1.1. AGGRAVATED FLEEING A LAW ENFORCEMENT  
9 OFFICER.--

10           A. Aggravated fleeing a law enforcement officer  
11 consists of a person willfully and carelessly driving [~~his~~] a  
12 vehicle in a manner that endangers the life of another person  
13 after being given a visual or audible signal to stop, whether  
14 by hand, voice, emergency light, flashing light, siren or other  
15 signal, by a uniformed law enforcement officer in an  
16 [~~appropriately marked law enforcement vehicle~~] authorized  
17 emergency vehicle pursuant to Section 66-7-6 NMSA 1978 in  
18 pursuit in accordance with the provisions of the Law  
19 Enforcement Safe Pursuit Act.

20           B. Whoever commits aggravated fleeing a law  
21 enforcement officer that does not result in injury or great  
22 bodily harm to another person is guilty of a fourth degree  
23 felony.

24           C. Whoever commits aggravated fleeing a law  
25 enforcement officer that results in injury to another person is

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1 guilty of a third degree felony.

2 D. Whoever commits aggravated fleeing a law  
3 enforcement officer that results in great bodily harm to  
4 another person is guilty of a second degree felony."

5 SECTION 29. A new section of Chapter 31, Article 3 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] AVAILABILITY OF GLOBAL POSITIONING SYSTEM  
8 DATA ON DEFENDANTS ON PRETRIAL RELEASE.--Any public entity that  
9 possesses or controls global positioning system data with  
10 respect to a defendant on pretrial release shall make that data  
11 available without a warrant to a law enforcement officer  
12 pursuant to an ongoing and pending criminal investigation for  
13 which there is reasonable suspicion to believe the data will be  
14 probative. Any data provided to the law enforcement officer  
15 shall be limited to data that relates to the criminal  
16 investigation and is not more than one year old. The data  
17 shall not be made a part of any public record unless admitted  
18 as evidence during a criminal trial. The law enforcement  
19 officer may request immediate access to the data if it involves  
20 an investigation of:

21 A. any of the following serious violent  
22 felony offenses:

- 23 (1) murder in the first degree;  
24 (2) first or second degree felony human  
25 trafficking of a child;

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1 (3) first degree felony abuse of a child;

2 (4) sexual exploitation of a child

3 constituting at least a second degree felony; or

4 (5) a serious violent felony offense as  
5 provided in Subparagraphs (a) through (n) of Paragraph (4) of  
6 Subsection L of Section 33-2-34 NMSA 1978;

7 B. a felony offense during which a firearm  
8 was brandished pursuant to Section 31-18-16 NMSA 1978 or during  
9 which a firearm was discharged; or

10 C. a felony offense during which great bodily  
11 harm was inflicted as defined in Section 30-1-12 NMSA 1978 or  
12 that caused the death of a person."

13 SECTION 30. Section 31-18-15 NMSA 1978 (being Laws 1977,  
14 Chapter 216, Section 4, as amended) is amended to read:

15 "31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--  
16 BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS  
17 DEDUCTIONS.--

18 A. [~~If a person is convicted of~~] As used in a  
19 statute that establishes a noncapital felony, the following  
20 defined felony classifications and associated basic [sentence]  
21 sentences of imprisonment [is] are as follows:

22 [~~(1) for a first degree felony resulting in~~  
23 ~~the death of a child, life imprisonment;~~

24 [~~(2) for a first degree felony for aggravated~~  
25 ~~criminal sexual penetration, life imprisonment;~~

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[bracketed material] = delete

1                   ~~(3) for a first degree felony, eighteen years~~  
2 ~~imprisonment;~~

3                   ~~(4) for a second degree felony resulting in~~  
4 ~~the death of a human being, fifteen years imprisonment;~~

5                   ~~(5) for a second degree felony for a sexual~~  
6 ~~offense against a child, fifteen years imprisonment;~~

7                   ~~(6) for a second degree felony for sexual~~  
8 ~~exploitation of children, twelve years imprisonment;~~

9                   ~~(7) for a second degree felony, nine years~~  
10 ~~imprisonment;~~

11                   ~~(8) for a third degree felony resulting in the~~  
12 ~~death of a human being, six years imprisonment;~~

13                   ~~(9) for a third degree felony for a sexual~~  
14 ~~offense against a child, six years imprisonment;~~

15                   ~~(10) for a third degree felony for sexual~~  
16 ~~exploitation of children, eleven years imprisonment;~~

17                   ~~(11) for a third degree felony, three years~~  
18 ~~imprisonment;~~

19                   ~~(12) for a fourth degree felony for sexual~~  
20 ~~exploitation of children, ten years imprisonment; or~~

21                   ~~(13) for a fourth degree felony, eighteen~~  
22 ~~months imprisonment.]~~

23	<u>FELONY CLASSIFICATION</u>	<u>BASIC SENTENCE</u>
24	<u>first degree felony resulting in</u>	
25	<u>the death of a child</u>	<u>life imprisonment</u>

underscoring material = new  
[bracketed material] = delete

1	<u>first degree felony for aggravated</u>	
2	<u>criminal sexual penetration</u>	<u>life imprisonment</u>
3	<u>first degree felony</u>	<u>eighteen years</u>
4		<u>imprisonment</u>
5	<u>second degree felony resulting in</u>	
6	<u>the death of a human being</u>	<u>fifteen years</u>
7		<u>imprisonment</u>
8	<u>second degree felony for a sexual</u>	
9	<u>offense against a child</u>	<u>fifteen years</u>
10		<u>imprisonment</u>
11	<u>second degree felony for sexual</u>	
12	<u>exploitation of children</u>	<u>twelve years imprisonment</u>
13	<u>second degree felony</u>	<u>nine years imprisonment</u>
14	<u>third degree felony resulting in</u>	
15	<u>the death of a human being</u>	<u>six years imprisonment</u>
16	<u>third degree felony for a sexual</u>	
17	<u>offense against a child</u>	<u>six years imprisonment</u>
18	<u>third degree felony for sexual</u>	
19	<u>exploitation of children</u>	<u>eleven years imprisonment</u>
20	<u>third degree felony</u>	<u>three years imprisonment</u>
21	<u>fourth degree felony for sexual</u>	
22	<u>exploitation of children</u>	<u>ten years imprisonment</u>
23	<u>fourth degree felony</u>	<u>eighteen months</u>
24		<u>imprisonment.</u>

B. The appropriate basic sentence of imprisonment

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1 shall be imposed upon a person convicted and sentenced pursuant  
2 to Subsection A of this section, unless the court alters the  
3 sentence pursuant to the provisions of the Criminal Sentencing  
4 Act.

5 C. A period of parole shall be imposed only for  
6 felony convictions wherein a person is sentenced to  
7 imprisonment of more than one year, unless the parties to a  
8 proceeding agree that a period of parole should be imposed. If  
9 a period of parole is imposed, the court shall include in the  
10 judgment and sentence of each person convicted and sentenced to  
11 imprisonment in a corrections facility designated by the  
12 corrections department authority for a period of parole to be  
13 served in accordance with the provisions of Section 31-21-10  
14 NMSA 1978 after the completion of any actual time of  
15 imprisonment and authority to require, as a condition of  
16 parole, the payment of the costs of parole services and  
17 reimbursement to a law enforcement agency or local crime  
18 stopper program in accordance with the provisions of that  
19 section. If imposed, the period of parole shall be deemed to  
20 be part of the sentence of the convicted person in addition to  
21 the basic sentence imposed pursuant to Subsection A of this  
22 section together with alterations, if any, pursuant to the  
23 provisions of the Criminal Sentencing Act.

24 D. When a court imposes a sentence of imprisonment  
25 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or  
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1 31-18-17 NMSA 1978 and suspends or defers the basic sentence of  
2 imprisonment provided pursuant to the provisions of Subsection  
3 A of this section, the period of parole shall be served in  
4 accordance with the provisions of Section 31-21-10 NMSA 1978  
5 for the degree of felony for the basic sentence for which the  
6 inmate was convicted. For the purpose of designating a period  
7 of parole, a court shall not consider that the basic sentence  
8 of imprisonment was suspended or deferred and that the inmate  
9 served a period of imprisonment pursuant to the provisions of  
10 the Criminal Sentencing Act.

11 E. The court may, in addition to the imposition of  
12 a basic sentence of imprisonment, impose a fine not to exceed:

13 (1) for a first degree felony resulting in the  
14 death of a child, seventeen thousand five hundred dollars  
15 (\$17,500);

16 (2) for a first degree felony for aggravated  
17 criminal sexual penetration, seventeen thousand five hundred  
18 dollars (\$17,500);

19 (3) for a first degree felony, fifteen  
20 thousand dollars (\$15,000);

21 (4) for a second degree felony resulting in  
22 the death of a human being, twelve thousand five hundred  
23 dollars (\$12,500);

24 (5) for a second degree felony for a sexual  
25 offense against a child, twelve thousand five hundred dollars

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1 (\$12,500);

2 (6) for a second degree felony for sexual  
3 exploitation of children, five thousand dollars (\$5,000);

4 (7) for a second degree felony, ten thousand  
5 dollars (\$10,000);

6 (8) for a third degree felony resulting in the  
7 death of a human being, five thousand dollars (\$5,000);

8 (9) for a third degree felony for a sexual  
9 offense against a child, five thousand dollars (\$5,000);

10 (10) for a third degree felony for sexual  
11 exploitation of children, five thousand dollars (\$5,000);

12 (11) for a third or fourth degree felony, five  
13 thousand dollars (\$5,000); or

14 (12) for a fourth degree felony for sexual  
15 exploitation of children, five thousand dollars (\$5,000).

16 F. When the court imposes a sentence of  
17 imprisonment for a felony offense, the court shall indicate  
18 whether or not the offense is a serious violent offense as  
19 defined in Section 33-2-34 NMSA 1978. The court shall inform  
20 an offender that the offender's sentence of imprisonment is  
21 subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37  
22 and 33-2-38 NMSA 1978. If the court fails to inform an  
23 offender that the offender's sentence is subject to those  
24 provisions or if the court provides the offender with erroneous  
25 information regarding those provisions, the failure to inform

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1 or the error shall not provide a basis for a writ of habeas  
2 corpus.

3 G. No later than October 31 of each year, the  
4 New Mexico sentencing commission shall provide a written report  
5 to the secretary of corrections, all New Mexico criminal court  
6 judges, the administrative office of the district attorneys and  
7 the chief public defender. The report shall specify the  
8 average reduction in the sentence of imprisonment for serious  
9 violent offenses and nonviolent offenses, as defined in Section  
10 33-2-34 NMSA 1978, due to meritorious deductions earned by  
11 prisoners during the previous fiscal year pursuant to the  
12 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38  
13 NMSA 1978. The corrections department shall allow the  
14 commission access to documents used by the department to  
15 determine earned meritorious deductions for prisoners."

16 SECTION 31. Section 31-18-16 NMSA 1978 (being Laws 1977,  
17 Chapter 216, Section 5, as amended) is amended to read:

18 "31-18-16. USE, BRANDISHING OR DISCHARGE OF FIREARM--  
19 ALTERATION OF BASIC SENTENCE--SUSPENSION AND DEFERRAL  
20 LIMITED.--

21 A. When a separate finding of fact by the court or  
22 jury shows that a firearm was used in relation to a drug  
23 transaction or during the commission of aggravated burglary  
24 pursuant to Section 30-16-4 NMSA 1978 or a serious violent  
25 offense, the basic sentence of imprisonment prescribed for the

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1 offense in Section 31-18-15 NMSA 1978 shall be increased by one  
2 year, except that when the offender is a serious youthful  
3 offender or a youthful offender who received an adult sentence,  
4 the sentence imposed by this subsection may be increased by one  
5 year.

6           ~~[A.]~~ B. When a separate finding of fact by the  
7 court or jury shows that a firearm was brandished in the  
8 commission of a noncapital felony, the basic sentence of  
9 imprisonment prescribed for the offense in Section 31-18-15  
10 NMSA 1978 shall be increased by three years, except that when  
11 the offender is a serious youthful offender or a youthful  
12 offender that received an adult sentence, the sentence imposed  
13 by this subsection may be increased by one year.

14           C. When a separate finding of fact by the court or  
15 jury shows that a firearm was discharged in the commission of a  
16 noncapital felony, the basic sentence of imprisonment  
17 prescribed for the offense in Section 31-18-15 NMSA 1978 shall  
18 be increased by five years, except that when the offender is a  
19 serious youthful offender or a youthful offender who received  
20 an adult sentence, the sentence imposed by this subsection may  
21 be increased by three years.

22           ~~[B.]~~ D. For a ~~[second or subsequent noncapital~~  
23 ~~felony in which a firearm is brandished]~~ separate offense  
24 resulting in a second or subsequent finding of fact by the  
25 court or jury of use, brandishing or discharge of a firearm in

1 relation to a drug transaction or during the commission of  
 2 aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a  
 3 serious violent offense, the [basic] sentence [of imprisonment  
 4 prescribed in Section 31-18-15 NMSA 1978] shall be increased by  
 5 [five] three years, except that when the offender is a serious  
 6 youthful offender or a youthful offender, the sentence imposed  
 7 by this subsection may be increased by three years.

8 ~~[G.]~~ E. If the case is tried before a jury and if a  
 9 prima facie case has been established showing that a firearm  
 10 was used, brandished [in the commission of the offense] or  
 11 discharged in relation to a drug transaction or during the  
 12 commission of aggravated burglary pursuant to Section 30-16-4  
 13 NMSA 1978 or a serious violent offense, the court shall submit  
 14 the issue to the jury by special interrogatory. If the case is  
 15 tried by the court ~~[and if a prima facie case has been~~  
 16 ~~established showing that a firearm was brandished in the~~  
 17 ~~commission of the offense],~~ the court shall decide the issue  
 18 and shall make a separate finding of fact thereon.

19 F. When a separate finding of fact by the court or  
 20 jury shows that a firearm was used, brandished or discharged in  
 21 relation to a drug transaction or during the commission of  
 22 aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a  
 23 serious violent offense, the firearm is subject to seizure and  
 24 forfeiture as an instrumentality pursuant to the provisions of  
 25 the Forfeiture Act.

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1           ~~[D-]~~ G. As used in this section:

2                   (1) "brandished" means displaying or making a  
3 firearm known to another person while the firearm is present on  
4 the person of the offending party with intent to intimidate or  
5 injure a person;

6                   (2) "in relation to a drug transaction" means  
7 participating or attempting to participate in the trafficking  
8 of a controlled substance pursuant to Section 30-31-20 NMSA  
9 1978, distribution of a controlled substance to a minor  
10 pursuant to Section 30-31-21 NMSA 1978 or distribution of a  
11 controlled or counterfeit substance pursuant to Section  
12 30-31-22 NMSA 1978 as a seller, purported seller or as an  
13 accomplice; and

14                   (3) "serious violent offense" means an offense  
15 enumerated in Subparagraphs (a) through (n) of Paragraph (4) of  
16 Subsection L of Section 33-2-34 NMSA 1978."

17           SECTION 32. Section 31-28-1 NMSA 1978 (being Laws 2019,  
18 Chapter 192, Section 5) is amended to read:

19                   "31-28-1. SHORT TITLE.--~~[Sections 5 through 10 of this~~  
20 ~~act]~~ Chapter 31, Article 28 NMSA 1978 may be cited as the  
21 "Crime Reduction Grant Act"."

22           SECTION 33. Section 31-28-4 NMSA 1978 (being Laws 2019,  
23 Chapter 192, Section 8) is amended to read:

24                   "31-28-4. APPLICATIONS FOR GRANTS--PURPOSES--  
25 CONDITIONS.--

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1           A. A member of a criminal justice coordinating  
2 council with the consent of the council may apply to a grant  
3 administration agency for a grant to accomplish any of the  
4 enumerated purposes provided in Subsection B of this section.

5           B. Crime reduction grants may be made to:

6                   (1) develop, expand and improve evidence-based  
7 treatment and supervision alternatives to incarceration;

8                   (2) reduce barriers to participation by  
9 criminal offenders in preprosecution diversion or specialty  
10 court programs;

11                   (3) develop or improve pretrial service  
12 programs; ~~[and]~~

13                   (4) develop or improve coordination of  
14 services between law enforcement agencies and treatment  
15 programs;

16                   (5) establish law enforcement crisis  
17 intervention teams;

18                   (6) coordinate access to programs for  
19 transitional or reentry homes for individuals recently released  
20 from incarceration;

21                   (7) recruit or retain law enforcement  
22 officers, prosecutors, public defenders, corrections officers  
23 and mental health workers;

24                   (8) develop or expand data-driven policing  
25 programs and pretrial services;

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1                    (9) staff a criminal justice coordinating  
2 council; and

3                    [~~4~~] (10) purchase equipment or provide  
4 training to support any of the purposes provided in this  
5 section.

6                    C. Crime reduction grants shall be conditioned on  
7 the criminal justice coordinating council and the recipient  
8 member complying with the following:

9                    (1) using not more than five percent of a  
10 grant for administrative costs of the recipient;

11                    (2) in consultation with the commission,  
12 developing data-sharing agreements and methods of data sharing  
13 among criminal justice agencies and with the commission to  
14 allow system-wide analysis of criminal justice operations  
15 within the judicial district and statewide;

16                    (3) using or developing evidence-based best  
17 practices for any programs operated with crime reduction  
18 grants;

19                    (4) developing performance measures in  
20 consultation with the commission and the grant administration  
21 agency relevant to the grantee's application;

22                    (5) collecting data to evaluate the  
23 effectiveness of programs operated with crime reduction grants;

24                    (6) evaluating quarterly the process, outputs,  
25 outcomes and other performance measures of programs funded with

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1 grants for compliance with all provisions of the Crime  
2 Reduction Grant Act;

3 (7) providing a quarterly report to the  
4 commission for review and comparison with other programs  
5 receiving grants for similar purposes; and

6 (8) providing an annual report to the grant  
7 administration agency by October 1 of each year regarding  
8 program outcomes from use of the grant.

9 D. The commission shall assist with the  
10 implementation of data-sharing agreements to ensure compliance  
11 with crime reduction grants.

12 E. Each grant administration agency shall identify  
13 and require the use or development of evidence-based best  
14 practices for programs operated with crime reduction grants  
15 distributed by that grant administration agency.

16 F. A grant administration agency may consider any  
17 outcome reported to it by a grant recipient from a previous  
18 year in making a determination of whether to make subsequent  
19 grants or the amount of a subsequent grant."

20 SECTION 34. A new section of Chapter 29, Article 1 NMSA  
21 1978 is enacted to read:

22 "[NEW MATERIAL] REQUIRING LAW ENFORCEMENT AGENCIES TO  
23 CONSULT INFORMATION IN THE LAW ENFORCEMENT OFFICER DATABASE  
24 WHEN MAKING EMPLOYMENT DECISIONS.--When considering hiring,  
25 promoting, disciplining or firing a law enforcement officer, a

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1 law enforcement agency shall consult the law enforcement  
2 officer database established in Section 29-7-16 NMSA 1978 and  
3 take into account any pertinent information found in that  
4 database."

5 SECTION 35. Section 34-6-5 NMSA 1978 (being Laws 1968,  
6 Chapter 69, Section 8, as amended) is amended to read:

7 "34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall  
8 be [~~twenty-nine~~] thirty district judges in the second judicial  
9 district."

10 SECTION 36. Section 34-6-8 NMSA 1978 (being Laws 1968,  
11 Chapter 69, Section 11, as amended) is amended to read:

12 "34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall be  
13 [~~eleven~~] twelve district judges in the fifth judicial  
14 district."

15 SECTION 37. Section 34-6-16 NMSA 1978 (being Laws 1971,  
16 Chapter 52, Section 3, as amended) is amended to read:

17 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There  
18 shall be [~~eight~~] nine district judges in the thirteenth  
19 judicial district."

20 SECTION 38. A new section of the Department of Public  
21 Safety Act is enacted to read:

22 "[NEW MATERIAL] LAW ENFORCEMENT RETENTION FUND--CREATED--  
23 RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

24 A. The "law enforcement retention fund" is created  
25 in the state treasury. The fund consists of money appropriated

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1 by the legislature, federal money granted to the state for the  
2 purposes of the fund, income from investment of the fund and  
3 money otherwise accruing to the fund. Money in the fund shall  
4 not revert to any other fund at the end of a fiscal year. The  
5 department shall administer the fund to provide:

6 (1) retention differential disbursements for  
7 law enforcement officers meeting certain levels of tenure; and

8 (2) support for disbursement administration  
9 processes and reporting compliance.

10 B. Money in the fund shall be disbursed on warrants  
11 signed by the secretary of finance and administration pursuant  
12 to vouchers signed by the secretary of public safety.

13 C. Contingent on the completion of reporting  
14 requirements provided in Subsection G of this section, the  
15 department shall determine and distribute annually the amount  
16 necessary to provide to a law enforcement agency for the  
17 purpose of providing a retention differential disbursement to  
18 law enforcement officers employed by that law enforcement  
19 agency. A law enforcement agency shall expend funding received  
20 for no other purpose than that permitted by this section, and  
21 any unexpended balance received by a law enforcement agency  
22 pursuant to this section at the end of a fiscal year shall  
23 revert to the law enforcement retention fund. The department  
24 shall monitor the use of funding and ensure the proper  
25 reversions to the law enforcement retention fund.

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1           D. A law enforcement officer shall receive a  
2 retention differential disbursement in the amount of five  
3 percent of the law enforcement officer's salary upon reaching  
4 four, nine, fourteen and nineteen years of service from the  
5 anniversary of the law enforcement officer's date of hire with  
6 that law enforcement agency; provided that:

7                   (1) the law enforcement officer remains  
8 employed as a law enforcement officer with that same law  
9 enforcement agency for one additional year; and

10                   (2) the retention differential disbursement  
11 shall be calculated based on the salary of the law enforcement  
12 officer on those dates.

13           E. After the calculations for retention  
14 differential disbursements are made in accordance with  
15 Subsection D of this section, if the balance in the fund is  
16 insufficient to permit the total disbursements provided by  
17 Subsection D of this section, the department shall reduce that  
18 allocation to the maximum amount permitted by available money  
19 in the fund.

20           F. The amount provided for a retention differential  
21 disbursement shall include the amount of employer tax  
22 liabilities, which shall be paid by the employer at the time  
23 the retention differential disbursement is provided to the law  
24 enforcement officer.

25           G. To receive funding pursuant to Subsection C of  
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1 this section, a law enforcement agency shall make that request  
2 to the department prior to June 1 of each fiscal year, and in  
3 that request, the agency shall report the following:

4 (1) the number of officers that are projected  
5 to become eligible for a retention differential disbursement in  
6 the upcoming fiscal year and the projected amount of the  
7 retention differential disbursement, including any employer tax  
8 liabilities;

9 (2) the number of law enforcement officers  
10 employed by the law enforcement agency for the last five years;

11 (3) the number of years of service of each law  
12 enforcement officer employed by the law enforcement agency;

13 (4) the number of law enforcement officers  
14 that left the employ of the law enforcement agency in the last  
15 year and the stated reasons why each law enforcement officer  
16 left the employ of the law enforcement agency;

17 (5) the number of years of service of each law  
18 enforcement officer that left the employ of the law enforcement  
19 agency in the last year;

20 (6) the number of applicants to the law  
21 enforcement agency in the last year;

22 (7) the number of applicants to the law  
23 enforcement agency in the last year that attended a law  
24 enforcement academy;

25 (8) the number of law enforcement officers

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1 that received one or more certifications in the last year;

2 (9) the number of law enforcement officers  
3 added to the law enforcement agency via lateral transfer and  
4 the years of service of each law enforcement officer at each  
5 previous law enforcement agency;

6 (10) any changes to compensation, recruiting,  
7 retention or benefits implemented by the law enforcement agency  
8 in the last year; and

9 (11) any other information that is used for  
10 determining retention rates unless disclosure of such  
11 information is otherwise prohibited by law.

12 H. The department shall:

13 (1) provide forms, standards and procedures  
14 and related training to law enforcement agencies as necessary  
15 for the agencies to report retention information;

16 (2) maintain the privacy and security of  
17 information in accordance with applicable state and federal  
18 laws; and

19 (3) adopt and promulgate rules as necessary to  
20 implement the provisions of this section.

21 I. The annual report and other statistical data  
22 reports generated by the department shall include an evaluation  
23 of a program's efficacy in law enforcement retention and shall  
24 be made available to law enforcement agencies and the public.

25 J. The department shall provide monthly reports to

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1 the department of finance and administration and the  
2 legislative finance committee about expenditures from the law  
3 enforcement retention fund, including an itemized list of  
4 expenditures and the balance remaining in the fund.

5 K. The department may waive reporting information  
6 required by a law enforcement agency pursuant to Subsection G  
7 of this section; provided that the department shall provide an  
8 explanation of its decision in writing.

9 L. The department shall submit an annual report  
10 providing information collected pursuant to Subsection G of  
11 this section to the governor and the legislature no later than  
12 December 15 of each year.

13 M. As used in this section:

14 (1) "law enforcement agency" means an agency  
15 of the state or local political subdivision of the state that  
16 employs certified law enforcement officers or the police  
17 department of a tribe that has entered into an agreement with  
18 the department pursuant to Section 29-1-11 NMSA 1978;

19 (2) "law enforcement officer" means a full-  
20 time salaried public employee of a law enforcement agency, or a  
21 certified part-time salaried police officer employed by a law  
22 enforcement agency, whose principal duties under law are to  
23 hold in custody any person accused of a criminal offense, to  
24 maintain public order or to make arrests for crimes; and

25 (3) "retention differential disbursement"

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1 means the amount disbursed from the law enforcement retention  
2 fund based on a law enforcement officer's service at a law  
3 enforcement agency but is not considered salary for the purpose  
4 of calculating retirement benefits."

5 SECTION 39. A new section of Chapter 34, Article 9 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] CRITERIA FOR DISTRIBUTION OF GRANTS.--The  
8 administrative office of the courts shall establish criteria  
9 for the distribution of grants supporting pretrial services  
10 statewide and develop a framework for the standardization of  
11 pretrial services and supervision, including performance  
12 measurement and reporting. The framework and criteria for  
13 grant distribution shall incorporate national best practices  
14 and modify them as needed and shall explore the use of  
15 electronic location monitoring or other modes of pretrial  
16 services to enhance the certainty and celerity of punishment of  
17 low-level offenses with minimal impact on correctional  
18 institutions."

19 SECTION 40. [NEW MATERIAL] SHORT TITLE.--Sections 40  
20 through 48 of this act may be cited as the "Violence  
21 Intervention Program Act".

22 SECTION 41. [NEW MATERIAL] DEFINITIONS.--As used in the  
23 Violence Intervention Program Act:

24 A. "commission" means the New Mexico sentencing  
25 commission;

1           B. "community-based service provider" means an  
2 entity that is eligible to be awarded a contract to provide  
3 services that accomplish the purposes of the Violence  
4 Intervention Program Act;

5           C. "department" means the department of health; and

6           D. "grantee" means a state agency, county,  
7 municipality or tribal government that has applied for and  
8 received funding pursuant to the Violence Intervention Program  
9 Act for the purposes of addressing gun violence and aggravated  
10 assaults in a locally focused geographic area.

11           **SECTION 42. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM**  
12 **FUND--CREATED--PURPOSE.--**The "violence intervention program  
13 fund" is created as a nonreverting fund in the state treasury.  
14 The fund consists of appropriations, gifts, grants and  
15 donations. The department shall administer the fund, and money  
16 in the fund is appropriated to the department to administer the  
17 provisions of the Violence Intervention Program Act and award  
18 violence intervention program grants to state agencies,  
19 counties, municipalities or tribal governments that the  
20 department finds are disproportionately impacted by violent  
21 crimes, including homicides, shootings and aggravated assaults.  
22 Expenditures from the fund shall be made on warrant of the  
23 secretary of finance and administration pursuant to vouchers  
24 signed by the secretary of health. The department may expend  
25 no more than three percent of the balance of the fund each

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1 fiscal year for administering the Violence Intervention Program  
2 Act. No money in the fund may be expended in any way except as  
3 provided by the Violence Intervention Program Act.

4 SECTION 43. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM  
5 REQUIREMENTS.--A violence intervention program shall:

6 A. use an evidence- or research-based public health  
7 approach to reduce gun violence and aggravated assaults;

8 B. use focused deterrence, problem-oriented  
9 policing and proven law enforcement strategies to reduce gun  
10 violence and aggravated assaults;

11 C. target a population that is at high risk for  
12 victimization or retaliation that results from gun violence or  
13 aggravated assault through engaging in the cycles of violence  
14 in the community;

15 D. use data-driven methods for program development;  
16 and

17 E. use program funding in a manner that is directly  
18 related to the reduction of gun violence and aggravated  
19 assaults.

20 SECTION 44. [NEW MATERIAL] GRANT AWARDS.--

21 A. On or after July 1, 2022, the department shall  
22 receive and review applications for grants from the violence  
23 intervention program fund. The department may make grants from  
24 the fund to state agencies, counties, municipalities or tribal  
25 governments that the department finds are disproportionately

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1 impacted by violent crimes, including homicides, shootings and  
2 aggravated assaults.

3 B. The department shall make awards of grants from  
4 the fund in accordance with the following limitations:

5 (1) grant awards shall be made to at least two  
6 counties, municipalities or tribal governments with a  
7 population of fifty thousand or less according to the most  
8 recent annual university of New Mexico intercensal population  
9 estimate;

10 (2) at least twenty percent of the total  
11 annual amount appropriated to the fund shall be awarded to  
12 counties or municipalities with a population of five hundred  
13 forty thousand or greater according to the most recent federal  
14 decennial census; and

15 (3) the department of health shall utilize the  
16 funds in accordance with department of finance and  
17 administration guidelines.

18 SECTION 45. [NEW MATERIAL] APPLICATION REQUIREMENTS.--

19 A. Each application for a grant from the violence  
20 intervention program fund shall include:

21 (1) clearly defined, measurable objectives for  
22 a proposal to improve public health and safety through  
23 evidence-based violence reduction interventions;

24 (2) a comprehensive violence reduction  
25 strategic plan, including consistent quality improvement and

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1 quality assurance measures, and a description of the strategies  
2 and tasks developed by a state agency, county, municipality or  
3 tribal government describing the goals of the plan, including  
4 community-based services or joint community-based services and  
5 law enforcement intervention strategies;

6 (3) a description of how a grant award would  
7 be used if awarded; and

8 (4) a list of community-based service  
9 providers in the locally focused geographic area in which the  
10 grant funds would be used, including those with an expressed  
11 commitment to participating in a violence intervention program.

12 B. The commission shall provide state agencies,  
13 counties, municipalities and tribal governments with data  
14 relevant to grant applications.

15 C. An applicant shall notify the appropriate  
16 criminal justice coordinating council established pursuant to  
17 Section 31-28-3 NMSA 1978 of its grant application.

18 SECTION 46. [NEW MATERIAL] CONDITIONS OF GRANT.--

19 A. As a condition of each grant made pursuant to  
20 the Violence Intervention Program Act, the department shall  
21 require each grantee to use at least fifty percent of its grant  
22 for the purpose of entering into contracts with one or more  
23 community-based service providers.

24 B. Each grantee shall report to the appropriate  
25 criminal justice coordinating council established pursuant to

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1 Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

2 C. A grant may be awarded to a county or  
3 municipality, but shall not be awarded to both a county and a  
4 municipality falling within the county.

5 SECTION 47. [NEW MATERIAL] RULES.--The department shall  
6 adopt rules necessary to administer the provisions of the  
7 Violence Intervention Program Act, including standardized rules  
8 pertaining to the collection and sharing of data by grantees.

9 SECTION 48. [NEW MATERIAL] REPORTS.--

10 A. Each grantee shall report to the department and  
11 the commission by November 1 of each year regarding the:

12 (1) purpose and amount of each grant received  
13 by the grantee for the previous fiscal year; and

14 (2) processes, outputs and outcomes resulting  
15 from each grant approved by the department for the previous  
16 fiscal year, including relevant data as required by department  
17 rules.

18 B. Each year through 2027, the department and the  
19 commission shall report to the legislature by December 1  
20 regarding the awards and outcomes of each grantee.

21 SECTION 49. A new section of the Criminal Code is enacted  
22 to read:

23 "[NEW MATERIAL] THREATENING A JUDGE OR AN IMMEDIATE FAMILY  
24 MEMBER OF A JUDGE--PENALTY.--

25 A. No person shall threaten a judge or the

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1 immediate family member of a judge with the intent to:

2 (1) place the judge or the immediate family  
3 member of a judge in fear of great bodily harm to the judge or  
4 to an immediate family member of the judge;

5 (2) prevent or interrupt the ability to carry  
6 out the judge's job duties; or

7 (3) retaliate against a judge on account of  
8 the performance of the judge's official duties during the  
9 judge's term of service.

10 B. A person who violates the provisions of this  
11 section is guilty of a fourth degree felony.

12 C. As used in this section:

13 (1) "immediate family member" means a spouse,  
14 child, sibling, parent, grandparent or grandchild, and  
15 "immediate family member" includes a stepparent, a stepchild, a  
16 stepsibling and an adoptive relationship;

17 (2) "judge" means a current or former justice,  
18 judge, magistrate, domestic violence special commissioner or  
19 hearing officer; and

20 (3) "retaliate" means intentionally  
21 threatening bodily injury to or damage to the property of a  
22 judge or a family member of a judge with the intent to  
23 retaliate against the judge for the judge's exercise of the  
24 judge's judicial duties and causing the judge or the family  
25 member to reasonably believe that the judge's or the family

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1 member's person or property is in danger."

2 SECTION 50. A new section of the Criminal Code is enacted  
3 to read:

4 "[NEW MATERIAL] MALICIOUS SHARING OF PERSONAL INFORMATION  
5 OF A JUDGE OR AN IMMEDIATE FAMILY MEMBER OF A JUDGE--PENALTY.--

6 A. No person shall share the personal information  
7 of a judge or an immediate family member of a judge with the  
8 intent to:

9 (1) cause harm to the judge or an immediate  
10 family member of a judge;

11 (2) place the judge or an immediate family  
12 member of a judge in fear of great bodily harm to the judge or  
13 to an immediate family member of the judge; or

14 (3) prevent or interrupt the ability to carry  
15 out the judge's job duties.

16 B. A person who violates the provisions of this  
17 section is guilty of a misdemeanor.

18 C. As used in this section:

19 (1) "immediate family member" means a spouse,  
20 child, sibling, parent, grandparent or grandchild, and  
21 "immediate family member" includes a stepparent, a stepchild, a  
22 stepsibling and an adoptive relationship;

23 (2) "judge" means a current or former justice,  
24 judge, magistrate, domestic violence special commissioner or  
25 hearing officer; and

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1                   (3) "personal information" means a person's  
2 personal physical address, personal phone number or physical  
3 location."

4           SECTION 51. A new section of the Criminal Code is enacted  
5 to read:

6           "[NEW MATERIAL] OPERATING A CHOP SHOP--PENALTY.--

7           A. Operating a chop shop consists of a person  
8 owning, operating, maintaining, controlling or conducting  
9 operations in a chop shop, who knows or should have known that  
10 it is a chop shop.

11           B. Whoever commits operating a chop shop is guilty  
12 of a third degree felony.

13           C. As used in this section:

14           (1) "chop shop" means a premises where a  
15 person possesses, receives, stores, disassembles or alters an  
16 unlawfully obtained motor vehicle or vehicle as defined in the  
17 Motor Vehicle Code, including the alteration or concealment of  
18 any identifying feature or number, including the manufacturer's  
19 serial number, engine number, decal or other distinguishing  
20 number or identification mark or number placed under assignment  
21 of the motor vehicle division of the taxation and revenue  
22 department; and

23           (2) "unlawfully obtained" means obtained by  
24 theft, fraud or deceit or obtained without the permission of  
25 the owner.

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