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SENATE BILL 431

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Antoinette Sedillo Lopez

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; PERMITTING JUVENILE
CORRECTIONAL OFFICERS TO ELECT TO ADOPT THE STATE POLICE
MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE
OFFICER MEMBER COVERAGE PLAN 1; PROVIDING FOR ELECTIONS
PERTAINING TO THE ADOPTION OF THE STATE POLICE MEMBER,
CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER
MEMBER COVERAGE PLAN 1.

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

SECTION 1. Section 10-11-27 NMSA 1978 (being Laws 1987,
Chapter 253, Section 27, as amended) is amended to read:

"10-11-27. STATE POLICE MEMBER, CORRECTIONAL OFFICER
MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN
1--APPLICABILITY--CREDITED SERVICE.--

A. State police member, correctional officer member

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1 and probation and parole officer member coverage plan 1 is
2 applicable to:

- 3 (1) state police members who are not
4 specifically covered by another coverage plan;
5 (2) adult correctional officer members;
6 (3) juvenile correctional officer members;
7 (4) adult probation and parole officer
8 members; and
9 (5) juvenile probation and parole officer
10 members.

11 B. The credited service of a state police member
12 who was a retired member or a member on June 30, 2013 and who
13 has held the permanent rank of patrolman, sergeant, lieutenant
14 or captain and does not hold an exempt rank or who is assigned
15 to the aircraft division as a pilot, or of an adult
16 correctional officer member, shall have actual credited service
17 increased by twenty percent for the purposes of state police
18 member, correctional officer member and probation and parole
19 officer member coverage plan 1.

20 C. The credited service, accrued after July 1,
21 2021, of ~~[a juvenile correctional officer member]~~ an adult
22 probation and parole officer or a juvenile probation and parole
23 officer shall be increased by twenty percent for the purposes
24 of state police member, correctional officer member and
25 probation and parole officer member coverage plan 1.

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1 D. The credited service, accrued after July 1,
2 2024, of a juvenile correctional officer member shall be
3 increased by twenty percent for the purposes of state police
4 member, correctional officer member and probation and parole
5 officer member coverage plan 1.

6 ~~[D.]~~ E. Except as provided in Subsection B of this
7 section, the credited service of a member covered under state
8 police member, correctional officer member and probation and
9 parole officer member coverage plan 1 shall be credited as
10 provided in Section 10-11-4 NMSA 1978.

11 ~~[E.]~~ F. State police member, correctional officer
12 member and probation and parole officer member coverage plan 1
13 is applicable to ~~[juvenile correctional officer members]~~ adult
14 probation and parole officer members and juvenile probation and
15 parole officer members in the first full pay period after July
16 1, 2021 if the retirement board certifies to the secretary of
17 state that, of those ~~[juvenile correctional officer members]~~
18 adult probation and parole officer members and juvenile
19 probation and parole officer members to be covered under state
20 police member, correctional officer member and probation and
21 parole officer member coverage plan 1, a majority of the
22 respective members voting have voted to approve adoption of
23 that plan at an election conducted pursuant to Laws 2020,
24 Chapter 11, Sections 63 through 66 ~~[of this 2020 act]~~.

25 G. State police member, correctional officer member

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1 and probation and parole officer member coverage plan 1 is
2 applicable to juvenile correctional officer members in the
3 first full pay period after July 1, 2024 if the retirement
4 board certifies to the secretary of state that, of those
5 juvenile correctional officer members to be covered under state
6 police member, correctional officer member and probation and
7 parole officer member coverage plan 1, a majority of the
8 respective members voting have voted to approve adoption of
9 that plan at an election conducted pursuant to Section 2 of
10 this 2023 act."

11 SECTION 2. TEMPORARY PROVISION--STATE POLICE MEMBER,
12 CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER
13 MEMBER COVERAGE PLAN 1--JUVENILE CORRECTIONAL OFFICERS--
14 ELECTION.--On or before December 30, 2023, the retirement board
15 provided for in the Public Employees Retirement Act shall
16 conduct an election to submit to juvenile correctional officers
17 currently contributing under state general member coverage plan
18 3 the question of adopting state police member, correctional
19 officer member and probation and parole officer member coverage
20 plan 1.