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FISCAL IMPACT REPORT

SPONSOR Gonzales **LAST UPDATED** _____
ORIGINAL DATE 2/24/23
BILL
SHORT TITLE Regional Transit Law Enforcement **NUMBER** Senate Bill 274
ANALYST J. Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS	No fiscal impact	\$547.2	\$547.2	\$1,094.4	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Responses Received From

Department of Public Safety (DPS)
Department of Transportation (NMDOT)

SUMMARY

Synopsis of Senate Bill 274

Senate Bill 274 amends Section 73-25-19 NMSA 1978, to allow a regional transit district (RTD) to contract directly for law enforcement services. The RTD is a political subdivision of the state under the Regional Transit District Act (RTDA). Currently commuter rail services contract for law enforcement, which is then deputized by the districts. The bill reduces the number of parties required to contract for law enforcement for the purpose of enforcing the RTDA. Commuter rail services will no longer contract directly for law enforcement services, which will be done by the districts. This bill serves the public by enhancing safe and efficient public transit services within regional networks.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

NMDOT states no fiscal or operational impact.

DPS states:

On boarding any addition of potential applicants, students and eventual police officers will have a fiscal impact on the DPS and the NMLEA. The addition of an unknown number of applicants and accepted students for training as police officers will require additional FTE's. The NMLEA will require additional members (2) two NM law

enforcement academy instructors. Additionally, the NMLEA will require an (1) one additional compliance officer to manage the volume increase of students/applicants. The annual salary/benefit cost for these three positions is \$297,200.

In addition to the FTE needs, the NMLEA is currently at near threshold capacity related to its law enforcement academy training for classroom instruction space and living quarters (dormitories). To remedy this situation, given the unknown number of increased students this additional pressure may require rental/construction in order to accommodate the increase in volume of trainees.

Software support to compile records, certification and compliance must be purchased by DPS. The NMLEA uses the ACADIS platform to accomplish this tasking for law enforcement officers. The cost estimate given the unknown number of applicants will require acquisition of a new administrative licensure for ACADIS to facilitate this task. The cost of this is approximately \$250,000 annually and includes access to the platform, administrator (NMLEA) and end-user licenses (agencies), and support.

PERFORMANCE IMPLICATIONS

DPS states:

The New Mexico Law enforcement Academy, and training is governed by the Law Enforcement Training Act, where the term police officer is defined; "police officer" means any commissioned employee of a law enforcement agency that is part of or administered by the state or any political subdivision of the state, and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional law enforcement training facility and who is currently certifiable by the academy, which employee is responsible for the prevention and detection of crime or the enforcement of the penal, or traffic or highway laws of this state. The term specifically includes deputy sheriffs. Sheriffs are eligible to attend the academy and are eligible to receive certification as provided in the Law Enforcement Training Act. As used in this subsection, "commissioned" means an employee of a law enforcement agency who is authorized by a sheriff or chief of police to apprehend, arrest and bring before the court all violators within the state.

In order to be considered for law enforcement certification applicants for certification must be police officers by statutory definition. Those applicants must meet well established qualifications during this application process.

29-7-6. Qualifications for certification.

A. An applicant for certification shall provide evidence satisfactory to the board that he:

- (1) is a citizen of the United States and has reached the age of majority;
- (2) holds a high school diploma or the equivalent;
- (3) holds a valid driver's license;
- (4) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding his application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions

from any of the armed forces of the United States;

(5) after examination by a licensed physician, is free of any physical condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;

(6) after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;

(7) is of good moral character;

(8) has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board; and

(9) has previously been awarded a certificate of completion by the director attesting to the applicant's completion of an approved law enforcement training program.

B. A person employed as a police officer by any law enforcement agency in this state shall forfeit his position unless, no later than twelve months after beginning his employment as a police officer, the person satisfies the qualifications for certification set forth in Subsection A of this section and is awarded a certificate attesting to that fact.

The "New Mexico law enforcement academy" is established to provide a planned program of basic law enforcement training and in-service law enforcement training for police officers and to furnish instruction and seminars to constantly upgrade law enforcement within the state.

This bill simplifies RTD hiring of law enforcement officers in order to better protect the public within the New Mexico public transit system. Fairly frequent transit bus attacks have occurred within the City of Albuquerque.¹ This bill provides for the presence of adequate law enforcement within statewide transit districts.

JT/rl/ne

¹ *City bus driver attacked by 2 men*, by: KRQE Staff, Posted: Apr 28, 2021 / 06:49 PM MDT, www.krqe.com/news/albuquerque-metro/city-bus-driver-attacked-by-2-men; *Albuquerque bus drivers speak out about violence*, by: [Gabrielle Burkhardt](#), Posted: Aug 16, 2022 / 05:30 PM MDT, Updated: Aug 17, 2022 / 09:30 AM MDT, *KRQE Investigates finds bus drivers attacked more frequently*, www.krqe.com/news/investigations/albuquerque-bus-drivers-speak-out-about-violence.