

LFC Requester:	Joseph Simon
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 01.30.24
Bill No: Senate Bill 87

Sponsor: Brandt
Short Title: Law Enforcement Retirement Changes

Agency Name and Code AOC / 218
Number: _____
Person Writing Pacheco
Phone: 505.470.8795 **Email** aocclp@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: House Bill 236 “Public Safety Retirees Returning to Work”

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The Senate Health and Public Affairs Committee Substitute for Senate Bill 87 would allow retired members of the Public Employees Retirement Act (PERA) to return to some jobs in state government under specific conditions.

Any member who retired before December 31, 2023 would be permitted to return to work in security, corrections, or police work provided that the position taken by the retired person is an entry level position.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

On January 19, 2024 a court customer entered a magistrate court and passed through a magnetometer that alerted to the presence of metal on the person’s body. Because that court has no security, there was no one to conduct a search or to investigate the reason for the alert. This person checked in at the window and took a seat in the lobby. Unbeknownst to staff, this person was the person who had previously threatened to shoot the magistrate judge and his staff. While the court customer was seated in the lobby, he experienced a medical emergency. Staff called 911 and informed the judge of the emergency. The judge, a retired law enforcement officer, recognized that the court customer was overdosing on opiates and took quick action to administer Narcan and turn the court customer into the recovery position. When the court customer was turned onto his side, a fully loaded .380 caliber handgun with one round in the chamber fell out of the customer’s jeans. Because that judge was a retired law enforcement officer, he was able to secure and clear the firearm. Two days later, a pipe bomb was found between the adult probation office and the magistrate court. The bomb exploded 75 feet from the judge’s entrance to the courthouse. Because the magistrate court in Deming has no security, there was no ongoing sweep of the perimeter of the courthouse. The courthouse, judges, staff, and the public could have been maimed or killed if the bomb had detonated during business hours. There are but two of the “near-misses” that occur in the magistrate courts across the state every day.

Despite the generosity of the legislature in funding for court security staff, the courts continue to have difficulty hiring court security and has been unable to find more than a handful of qualified applicants. The ability to recruit retired PERA members into these jobs would provide an experienced professional who understands the court process.

PERFORMANCE IMPLICATIONS

When the magistrate courts have security positions staffed, this will allow court staff to focus on administrative tasks and judges to focus on adjudication of cases.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 236 “Public Safety Retirees Returning to Work” sponsored by Minority Leader Gail Chasey is similar to this bill.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Magistrate judges will continue to be responsible for security and health emergencies. Court staff will be at the mercy of persons who enter the courts under the influence of drugs/alcohol and potentially carrying firearms.

AMENDMENTS