

LFC Requester:	Joseph Simon
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 02/10/2025 *Check all that apply:*
Bill Number: HB 336 Original Correction
 Amendment Substitute

Sponsor:	<u>Alan T. Martinez, Art De La Cruz, and Harlan Vincent</u>	Agency Name and Code	<u>790 – Department of Public Safety</u>
Short Title:	<u>Certain Retirees Returning to Work</u>	Number:	<u></u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Amends the Public Employees Retirement Act to expand the definition of “peace officer” for purposes of retiree return-to-work provisions of the act. Provides that “peace officer” includes a state employee with a duty to maintain public order or to make arrests for crime, even if that duty is limited to specific crimes. Retired peace officers are entitled to return to work and continue receiving pension benefits after sitting out for the required period.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS. Section 10-11-8 NMSA 1978 provides an incentive for retired law enforcement officers to be able to return to state employment while collecting their PERA pensions. Other retired employees in the PERA system cannot return to the same or other New Mexico public employers and still collect their PERA pensions while doing so. New Mexico faces a shortage of law enforcement officers in many cities, counties, and state agencies. Section 10-11-8 NMSA 1978 provides for retired peace officers to return to their former employer after twelve months in section 1C, or they can become employed by an affiliated public employer after ninety days in fourteen different fields not limited to peace officers but includes firefighters, emergency medical technicians, emergency medical dispatcher, etc. in Section 1 J.

The bill broadens Section 10-11-8 NMSA 1978 as to who qualifies as a peace officer ins Section 1 L(10) by adding to the existing language that includes persons who are not necessarily “certified law enforcement officer who investigates and enforces state laws, rules and regulations, including the execution of warrants.” The addition now includes “an employee of the state with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes[.]” This will provide more eligibility to persons acting under the new definition to take advantage of the incentives for certified law enforcement officers to return to work and help control the high crime rate in New Mexico.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.