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| LFC Requester: | Sunny Liu |
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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: 02/21/2025 *Check all that apply:*
Bill Number: HB 485 Original Correction
 Amendment Substitute

Sponsor: S. Lord, J. Block **Agency Name and Code** 790 – Department of Public Safety
Short Title: School Security **Number:** _____
Personnel/School marshals **Person Writing** Sonya K. Chavez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| \$0.0 | 0.00 | N/A | N/A |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| N/A | N/A | N/A | 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 | \$0.0 | \$207.8 | \$185.7 | \$394.4 | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Almost identical to HB 473
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

HB 485 proposes the creation of the *School Marshal Act*, which outlines qualifications, training, and responsibilities for retired or former certified law enforcement officers employed by school districts. The bill mandates that school marshals undergo training developed by the New Mexico Law Enforcement Standards and Training Council and allows them to carry concealed weapons on school premises with approval from the local school board and public-school insurance authority. The bill also specifies the role of local school boards in implementing the program, including defining duties, qualifications, and protocols for firearm possession, storage, and use.

The bill further establishes procedures for the removal of school marshals if they violate any legal or professional standards. Additionally, the bill amends the definition of "school security personnel" and outlines training requirements, including safety, de-escalation, and emergency response. The bill also addresses the legal framework for carrying firearms on school premises, including school marshals' authority to carry weapons.

The effective date for the provisions of the act is set for July 1, 2025.

FISCAL IMPLICATIONS

Passage of this bill would have fiscal implications. The Academy would be required to develop, implement, and administer a school security-specific curriculum to ensure school marshals receive appropriate training. Additionally, a certification process with ongoing compliance oversight would need to be established.

The estimated costs include one (1) full-time Training and Development Specialist position to develop the curriculum and one (1) Compliance Officer for oversight, with an initial cost of \$207,800 in FY 2026 and a recurring annual cost of \$185,700 beginning in FY 2027.

Fiscal implications could include firearm certifications and compliance monitoring requiring additional administrative staff and updated protocols. The academy could potentially need to revise training curricula, coordinate with school districts, and potentially establish a separate unit to manage school security training. LEA would require adequate resources, including increased FTEs and possible modifications in curriculum. Compliance and oversight would be a priority. To mitigate these challenges, NMLEA will need to implement streamlined processes between the Academy and the school districts to ensure coordination and implementation.

SIGNIFICANT ISSUES

The New Mexico Administrative Code, Chapter 29, may need to be amended to account for the changes set forth in this bill if these school marshals required to become certified law enforcement. Chapter 29 sets forth the requirements for law enforcement certifications and ongoing training requirements once someone has received a law enforcement certification. Chapter 29 and its parts would need to be amended to include the initial training and any in-service training curricula developed by the Law Enforcement Standards and Training Council for school marshals as well as the certification requirements for a retired or former law enforcement officer to become a school marshal.

PERFORMANCE IMPLICATIONS

The School Marshal Act enhances security in public schools by providing an additional layer of protection against potential threats, such as school shootings. Retired law enforcement officers, who have extensive training in responding to crises, would bring valuable experience in keeping students and staff safe in emergencies. They are already familiar with the use of force protocols and can act quickly in high-stress situations. This utilization of experienced law enforcement personnel could improve overall school safety by adding trained professionals into environments that may not otherwise have enough dedicated security staff.

The requirement that school marshals complete a certified training program and receive appropriate training

from the New Mexico Law Enforcement Academy, or an equivalent program ensures that school marshals meet high standards. The rigorous training will ensure that these marshals are well-prepared to handle complex situations, including crisis intervention, de-escalation, and active shooter scenarios.

Many states across the U.S. have explored or implemented similar programs allowing trained and certified armed personnel in schools. These initiatives are often supported as a response to the increasing need for safety in educational environments, particularly as incidents of school violence and mass shootings have risen. This bill positions New Mexico alongside these efforts, aiming to provide effective solutions for school safety.

The legislation is also in line with the programmatic goals of the Academy to provide training to enhance public safety. The added consideration for compliance can be achieved with additional resources, noted above. A determination will need to be made about whether these employees will be required to become certified police officers or will maintain in the category of “school security.”

Although this proposal seems reasonable for some of the larger school districts that already employ security guards or that even have school police departments (such as the Albuquerque Public School system), this proposal would create unique challenges in rural districts where local police agencies are struggling to employ police officers. Finding a hiring pool for school security will be an added challenge.

ADMINISTRATIVE IMPLICATIONS

Administrative implications would involve onboarding the new FTE’s, creating and implementing relative curriculum for the new marshals, and daily oversight over this new initiative for the LEA. Considerations about the administration of the program itself will need to be determined as to whether it will fall on school districts or on the LEA. Should it be the responsibility of the LEA, perhaps regional coordinators or liaisons would be needed in order to facilitate the implementation at the school district level. The burden of providing these coordinator positions would be on the school districts or on the PED. The LEA then could be accountable for providing the training, but the schools would be responsible for the oversight and implementation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Almost identical to HB 473 except this proposal calls for training to be addressed by the New Mexico Law Enforcement Academy as par to the Law Enforcement Training Act.

TECHNICAL ISSUES

A determination will need to be made about whether these employees will be expected to become certified police officers or will only be school security. If it is determined they will be required to have a level of certification other than police certification, this will need to be defined through the legislation. Then those changes would need to be incorporated into the New Mexico Administrative Code under a new section addressing security in schools.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

A possible alternative could be providing additional funding to municipalities to provide security for local schools, and these resources could be shared.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None.