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HOUSE BILL 48

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO LAW ENFORCEMENT; AMENDING THE LAW ENFORCEMENT PROTECTION FUND; PROVIDING FUNDS FOR CERTIFIED LAW ENFORCEMENT TRAINING AT STATE-SUPPORTED COMMUNITY COLLEGES AND CERTAIN INSTITUTIONS OF HIGHER LEARNING; MAKING AN APPROPRIATION.

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

SECTION 1. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by tribal, municipal, school district and university police departments, county sheriff's departments, the department of public safety and the academy for money in the fund in the

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1 succeeding fiscal year pursuant to the provisions of
2 Subsections C and E of this section.

3 B. As necessary during the year, the division shall
4 transfer an amount from the fund to the peace officers', New
5 Mexico mounted patrol members' and reserve police officers'
6 survivors fund that enables the balance of the peace officers',
7 New Mexico mounted patrol members' and reserve police officers'
8 survivors fund to be maintained at a minimum balance of three
9 hundred fifty thousand dollars (\$350,000) through fiscal year
10 2023 and one million dollars (\$1,000,000) thereafter.

11 C. The division shall determine the rate of
12 distribution of money in the fund as follows:

13 (1) all municipal police, school district
14 police and county sheriff's departments shall be entitled to a
15 rate of distribution of forty-five thousand dollars (\$45,000)
16 through fiscal year 2023 and ninety-five thousand dollars
17 (\$95,000) thereafter;

18 (2) university police departments shall be
19 entitled to a rate of distribution of forty-five thousand
20 dollars (\$45,000) through fiscal year 2023 and ninety-five
21 thousand dollars (\$95,000) thereafter;

22 (3) the academy shall be entitled to a rate of
23 distribution of twenty-four thousand five hundred dollars
24 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
25 1978 and to a rate of distribution of two hundred thousand

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1 dollars (\$200,000) to carry out the purposes of the Law
2 Enforcement Training Act;

3 (4) tribal police departments shall be
4 entitled, unless allocations are adjusted pursuant to the
5 provisions of Subsection D of this section, to one thousand
6 dollars (\$1,000) through fiscal year 2023 and one thousand five
7 hundred dollars (\$1,500) thereafter for each commissioned peace
8 officer in the tribe. To be counted as a commissioned peace
9 officer for the purposes of this paragraph, a commissioned
10 peace officer shall have been assigned to duty and have worked
11 in New Mexico for no fewer than two hundred days in the
12 calendar year immediately prior to the date of payment.
13 Payments shall be made for only those divisions of the tribal
14 police departments that perform services in New Mexico. A
15 tribal police department shall not be eligible for any
16 disbursement under the fund if commissioned peace officers cite
17 non-Indians into the tribal court for civil or criminal
18 citations;

19 (5) municipal, school district and university
20 police and county sheriff's departments shall be entitled,
21 unless allocations are adjusted pursuant to the provisions of
22 Subsection D of this section, to one thousand dollars (\$1,000)
23 through fiscal year 2023 and one thousand five hundred dollars
24 (\$1,500) thereafter for each police officer or sheriff's deputy
25 employed full time by that department who has been certified by

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1 the law enforcement certification board as a police officer or
2 has been authorized to act as a New Mexico peace officer
3 pursuant to the provisions of Section 29-1-11 NMSA 1978; ~~and~~

4 (6) municipal police, sheriff's and school
5 district police departments that assign officers as school
6 resource officers shall be entitled to one thousand dollars
7 (\$1,000) through fiscal year 2023 and one thousand five hundred
8 dollars (\$1,500) thereafter for each assigned school resource
9 officer's training pursuant to Section 29-7-14 NMSA 1978; and

10 (7) western New Mexico university, branch
11 campuses of institutions of higher learning enumerated in
12 Article 12, Section 11 of the constitution of New Mexico and
13 state-supported community colleges that offer law enforcement
14 training certified by the academy shall be entitled to one
15 hundred thousand dollars (\$100,000) for faculty salaries and
16 benefits, instructional materials and related course expenses.

17 D. After distributions are determined in accordance
18 with Subsection A, Subsection B and Paragraphs (1), (2), (3),
19 ~~and~~ (6) and (7) of Subsection C of this section, if the
20 balance in the fund is insufficient to permit the total
21 allocations provided by Paragraphs (4) and (5) of Subsection C
22 of this section, the division shall reduce that allocation to
23 the maximum amount permitted by available money.

24 E. After all distributions have been made in
25 accordance with Subsections A through D of this section, and if

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1 the balance in the fund is sufficient, the department of public
2 safety shall be entitled to a rate of distribution of not more
3 than two million dollars (\$2,000,000).

4 F. The division shall confirm, before making any
5 distribution under this section, that the beneficiary is in
6 compliance with all of the beneficiary's statutory reporting
7 requirements, including those described in Subsection C of
8 Section 29-3-11 NMSA 1978, Subsection B of Section 29-7-7.1
9 NMSA 1978 and Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA
10 1978."

11 SECTION 2. Section 29-13-7 NMSA 1978 (being Laws 1983,
12 Chapter 289, Section 7, as amended) is amended to read:

13 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

14 A. Except as provided for the academy and the
15 department of public safety in Subsections B and C of this
16 section, amounts distributed from the fund shall be expended
17 only for the following:

18 (1) the repair and purchase of law enforcement
19 apparatus and equipment, including the financing and
20 refinancing thereof, that meet minimum nationally recognized
21 standards;

22 (2) the purchase of law enforcement equipment,
23 including protective vests, for police dogs;

24 (3) expenses associated with advanced law
25 enforcement planning and training;

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1 (4) maintaining the balance of the peace
2 officers', New Mexico mounted patrol members' and reserve
3 police officers' survivors fund at a minimum amount of three
4 hundred fifty thousand dollars (\$350,000) through fiscal year
5 2023 and one million dollars (\$1,000,000) thereafter;

6 (5) complying with match or contribution
7 requirements for the receipt of federal funds relating to
8 criminal justice programs;

9 (6) no more than fifty percent of the
10 replacement salaries of municipal and county law enforcement
11 personnel of municipalities or counties participating in basic
12 law enforcement training;

13 (7) a law enforcement officer retention
14 differential in the amount of seven thousand five hundred
15 dollars (\$7,500); provided that:

16 (a) the distribution is requested by a
17 municipality or county law enforcement agency to retain a law
18 enforcement officer who is certified in accordance with the Law
19 Enforcement Training Act and has at least twenty years of
20 actual service credit earned under a municipal police member
21 coverage plan as determined by the public employees retirement
22 association;

23 (b) the municipality or county law
24 enforcement agency provides seven thousand five hundred dollars
25 (\$7,500) in matching funds to the law enforcement officer;

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1 (c) the law enforcement officer remains
2 employed with that municipality or county law enforcement
3 agency for one additional year; and

4 (d) the distribution and the matching
5 funds paid to a law enforcement officer shall not constitute
6 the officer's base salary or wages and shall not be considered
7 to be salary or otherwise be used to determine a pension for
8 the purposes of the Public Employees Retirement Act; ~~and~~

9 (8) recruiting, providing stipends for and
10 training law enforcement officers engaged in community-oriented
11 policing; provided that any law enforcement officer who
12 receives a stipend in accordance with this paragraph remains
13 employed with the law enforcement agency providing the stipend
14 for one additional year; and

15 (9) faculty salaries and benefits,
16 instructional materials and related course expenses for
17 certified law enforcement training conducted by western New
18 Mexico university, branch campuses of institutions of higher
19 learning enumerated in Article 12, Section 11 of the
20 constitution of New Mexico and state-supported community
21 colleges.

22 B. For the academy, amounts distributed from the
23 fund shall be expended only for providing tourniquet and trauma
24 kits and training on the use of tourniquet and trauma kits
25 pursuant to Section 29-7-7.7 NMSA 1978 and to carry out the

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1 purposes of the Law Enforcement Training Act.

2 C. The amount distributed to the department of
3 public safety:

4 (1) shall:

5 (a) be used only to offset overtime-pay-
6 related expenses incurred directly by the department of public
7 safety from the special deployment of state police officers or
8 other emergency assistance to counties or municipalities in
9 response to critical circumstances as authorized by the
10 governor; and

11 (b) not be expended to hire new
12 personnel; and

13 (2) may be expended for costs, including
14 travel, fuel, overtime, per diem and ammunition.

15 D. Amounts distributed from the fund shall be
16 expended only pursuant to approved budgets and upon duly
17 executed vouchers approved as required by law."

18 SECTION 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2025.

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