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HOUSE BILL 485

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

INTRODUCED BY

Stefani Lord and John Block

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL MARSHAL ACT;
PROVIDING POWERS AND DUTIES; REQUIRING QUALIFICATIONS, TRAINING
AND LAW ENFORCEMENT CERTIFICATION; REQUIRING THE NEW MEXICO LAW
ENFORCEMENT STANDARDS AND TRAINING COUNCIL TO DEVELOP A SCHOOL
MARSHAL TRAINING COURSE; ALLOWING SCHOOL MARSHALS TO CARRY
CONCEALED WEAPONS.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 5 of this
act may be cited as the "School Marshal Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the School

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1 Marshal Act:

2 A. "firearm" means a handgun recommended by the
3 department of public safety and authorized by the public school
4 insurance authority;

5 B. "local school board" includes governing bodies
6 of charter schools;

7 C. "school district" includes charter schools;

8 D. "school premises" means:

9 (1) the buildings and grounds of a public
10 school, including playgrounds, playing fields and parking areas
11 and any school bus of a public school, whether owned by the
12 school district or under contract, in or on which school or
13 school-related or school-sanctioned activities are being
14 conducted; or

15 (2) any other public buildings or grounds,
16 including playing fields and parking areas that are not public
17 school property, in or on which school-related and school-
18 sanctioned activities are being conducted; and

19 E. "school marshal" means a retired or former
20 certified and commissioned law enforcement officer who was
21 certified and commissioned for no less than three years and
22 left law enforcement in good standing and who is employed by a
23 school district."

24 SECTION 3. A new section of the Public School Code is
25 enacted to read:

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1 "[NEW MATERIAL] SCHOOL MARSHAL PROGRAM--QUALIFICATIONS--
2 TRAINING REQUIREMENTS.--

3 A. A school district may employ school marshals who
4 meet the requirements for school security personnel. School
5 marshals shall be trained by the New Mexico law enforcement
6 academy or in a program approved by the academy and certified
7 as a school marshal by the law enforcement certification board.

8 B. To be eligible to serve as a school marshal, the
9 school employee shall:

10 (1) have a license to carry a concealed
11 handgun pursuant to the Concealed Handgun Carry Act; and

12 (2) meet other qualifications required for
13 school security personnel who are not school resource officers.

14 C. A school marshal shall carry a firearm only with
15 the permission of the local school board and the public school
16 insurance authority.

17 D. A school marshal shall act only as necessary to
18 prevent or stop the commission of an offense that threatens
19 serious bodily injury or death of persons on public school
20 property."

21 SECTION 4. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] SCHOOL MARSHAL PROGRAM--LOCAL SCHOOL BOARD
24 POWERS AND DUTIES.--

25 A. To implement a school marshal program, the local

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1 school board shall:

2 (1) ensure that a school district employee who
3 is appointed as a school marshal meets the qualifications
4 provided in the School Marshal Act, in Section 22-10A-40 NMSA
5 1978 and in rules promulgated by the department or the local
6 school board; and

7 (2) notify the department.

8 B. The local school board, in consultation with the
9 public school insurance authority, shall promulgate a policy
10 describing a school marshal's duties and responsibilities. The
11 policy shall:

12 (1) provide procedures for how a school
13 marshal possesses, carries and stores a firearm on school
14 premises;

15 (2) provide alternate procedures regarding the
16 possession, carrying and storage of a firearm by a school
17 marshal based on the amount of time the school marshal has
18 regular, direct contact with students;

19 (3) specify the types of firearms, ammunition,
20 and other related equipment that a school marshal is
21 authorized to possess, carry and store on school premises; and

22 (4) specify requirements regarding the subject
23 matter and frequency of additional professional development and
24 training.

25 C. A school marshal is not entitled to accrue

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1 retirement benefits from the educational retirement board or
2 the public employees retirement association.

3 D. A person's status as a school marshal ends if:

4 (1) the person's license to carry a concealed
5 weapon is suspended or revoked;

6 (2) the person has received formal discipline
7 for the use of excessive force or misconduct or is convicted
8 of: a felony; a misdemeanor involving moral turpitude that has
9 bearing on the job of school marshal; crimes that include
10 inappropriate touching, sexual harassment, sexual assault,
11 sexual abuse, discrimination, behavior intended to induce a
12 child into engaging in illegal, immoral or other prohibited
13 behavior, crimes against children and dependents or sexual
14 exploitation of children; or negligent or illegal use of a
15 firearm;

16 (3) the person no longer meets the
17 qualifications to be eligible as a school marshal provided in
18 the School Marshal Act or the qualifications required for
19 school security personnel, including those provided in Section
20 22-10A-40 NMSA 1978; or

21 (4) the person's employment with the school
22 district ends."

23 SECTION 5. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] SCHOOL MARSHALS--LAW ENFORCEMENT

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1 NOTIFICATION.--The local school board shall submit every school
2 marshal's name, date of birth and address of the school
3 marshal's place of employment to:

4 A. the department and the public school insurance
5 authority;

6 B. the law enforcement certification board; and

7 C. all applicable law enforcement and safety
8 agencies in the school district, including federal law
9 enforcement agencies located in New Mexico and, in the case of
10 a school district that has a public school located within the
11 boundaries of a federally recognized Indian nation, tribe or
12 pueblo, the chief tribal law enforcement officer."

13 SECTION 6. Section 22-10A-40 NMSA 1978 (being Laws 2019,
14 Chapter 189, Section 3) is amended to read:

15 "22-10A-40. SCHOOL SECURITY PERSONNEL--DEFINITIONS--
16 REQUIRED TRAINING.--

17 A. As used in this section:

18 (1) "firearm" means a handgun recommended by
19 the department of public safety and authorized by the public
20 school insurance authority;

21 (2) "local school board" includes governing
22 bodies of charter schools;

23 (3) "school district" includes charter
24 schools;

25 (4) "school premises" means:

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1 (a) the buildings and grounds, including
2 playgrounds, playing fields and parking areas and any school
3 bus of a public school, whether owned by the school district or
4 under contract, in or on which school or school-related
5 activities are being conducted under the supervision of the
6 local school board; or

7 (b) any other public buildings or
8 grounds, including playing fields and parking areas that are
9 not public school property, in or on which school-related and
10 school-sanctioned activities are being performed; and

11 (5) "school security personnel" means retired
12 or former certified and commissioned law enforcement officers
13 who are employed by or on contract with a school district and
14 authorized by department rules and local school board policy to
15 carry a firearm on school premises and includes school
16 marshals.

17 B. The department shall promulgate rules to carry
18 out the purposes of this section.

19 C. The department shall promulgate rules pertaining
20 to persons who are prohibited from employment as school
21 security personnel, including:

22 (1) the applicability of [~~Paragraph (1) or (3)~~
23 ~~of]~~ Subsection A of Section 28-2-4 NMSA 1978 for criminal
24 offenders;

25 (2) the commitment of a felony; a misdemeanor

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1 involving moral turpitude that has bearing on the job of school
2 security personnel; formal discipline for the use of excessive
3 force; or misconduct or crimes that include inappropriate
4 touching, sexual harassment, sexual assault, sexual abuse,
5 discrimination, behavior intended to induce a child into
6 engaging in illegal, immoral or other prohibited behavior,
7 crimes against children and dependents or sexual exploitation
8 of children; and

9 (3) negligent or illegal use of a firearm.

10 D. Prior to an offer of employment or contract, the
11 school district shall require for each potential school
12 security personnel:

13 (1) proof that the retired or former law
14 enforcement officer was certified and commissioned for no less
15 than three years and left law enforcement in good standing;

16 (2) successful completion of school security
17 personnel training;

18 (3) proof of up-to-date firearms training;

19 (4) a background check that indicates the
20 person has not been convicted of a crime or engaged in behavior
21 that violates the School Personnel Act; and

22 (5) any other conditions required by law,
23 department rule or school district policy.

24 E. School security personnel shall not perform any
25 other job in the school district, by title or duty, other than

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1 school security while carrying a firearm.

2 F. Prior to school security personnel being allowed
3 to carry firearms authorized by department rules and local
4 school board policy, the school security personnel must
5 successfully pass a physical and psychological evaluation as
6 prescribed by the department in consultation with the public
7 school insurance authority to determine suitability to carry a
8 firearm. The school district shall pay the cost of the
9 physical and psychological evaluations for current and
10 potential school security personnel.

11 G. The department and the public school insurance
12 authority shall approve one or more school security personnel
13 and firearms training programs. Approved programs must include
14 working with students with special needs, cultural competency
15 and prohibited profiling practices. The department of public
16 safety shall make recommendations for firearms training."

17 SECTION 7. A new section of the Law Enforcement Training
18 Act is enacted to read:

19 "[NEW MATERIAL] SCHOOL MARSHAL TRAINING PROGRAM.--The
20 council shall develop curriculum and standards for training of
21 school marshals. The curriculum shall include:

22 A. relevant elements from the basic law enforcement
23 training course, including firearms training, first aid,
24 defensive tactics, crowd-control tactics, crisis intervention
25 and police, human and community relations;

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1 B. proper procedures for how a school marshal may
2 possess, carry and store a firearm while on public school
3 property, including providing alternative procedures based on
4 the amount of time a school marshal spends in regular, direct
5 contact with students; and

6 C. an understanding of the particular
7 responsibilities of school-based policing, including training
8 in:

9 (1) developing successful relationships with
10 diverse students;

11 (2) how to interact with students with
12 disabilities and behavioral health challenges;

13 (3) relevant public safety topics such as
14 digital safety, human trafficking, mental health and substance
15 abuse;

16 (4) best practices for de-escalation,
17 behavioral threat assessment, emergency operations planning and
18 armed assailant response;

19 (5) how to identify, assess and advise
20 mitigation of school safety and security vulnerabilities and
21 other concerns;

22 (6) strategies to identify potential risks and
23 prevent school shootings;

24 (7) strategies to secure the safety of
25 potential victims of a school shooting or another emergency

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1 situation that threatens to cause injury or death to persons on
2 public school property;

3 (8) how to respond to an emergency situation
4 that requires deadly force, including a situation involving an
5 active shooter; and

6 (9) education about legal issues, including
7 issues related to:

8 (a) the duties of a school marshal or
9 other peace officers on school premises; and

10 (b) the use of force or deadly force in
11 the protection of others."

12 SECTION 8. Section 30-7-2.1 NMSA 1978 (being Laws 1987,
13 Chapter 232, Section 1, as amended) is amended to read:

14 "30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL
15 PREMISES.--

16 A. Unlawful carrying of a deadly weapon on school
17 premises consists of carrying a deadly weapon on school
18 premises except by:

19 (1) [~~a peace officer~~;
20 ~~(2)~~] school security personnel or a school
21 marshal or other law enforcement officer;

22 [~~(3)~~] (2) a student, instructor or other
23 school-authorized personnel engaged in army, navy, marine corps
24 or air force reserve officer training corps programs or
25 state-authorized hunter safety training instruction;

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1 [~~(4)~~] (3) a person conducting or participating
2 in a school-approved program, class or other activity involving
3 the carrying of a deadly weapon; or

4 [~~(5)~~] (4) a person older than nineteen years
5 of age on school premises in a private automobile or other
6 private means of conveyance, for lawful protection of the
7 person's or another's person or property.

8 B. As used in this section, "school premises"
9 means:

10 (1) the buildings and grounds, including
11 playgrounds, playing fields and parking areas and any school
12 bus of any public elementary, secondary, junior high or high
13 school in or on which school or school-related activities are
14 being operated under the supervision of a local school board;
15 or

16 (2) any other public buildings or grounds,
17 including playing fields and parking areas that are not public
18 school property, in or on which public school-related and
19 sanctioned activities are being performed.

20 C. Whoever commits unlawful carrying of a deadly
21 weapon on school premises is guilty of a fourth degree felony."

22 SECTION 9. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2025.