

1 AN ACT  
2 RELATING TO LAW ENFORCEMENT; AMENDING QUALIFICATIONS FOR  
3 THE APPOINTMENT OF LAW ENFORCEMENT OFFICERS TO INCLUDE  
4 AUTHORIZATION TO WORK BY THE UNITED STATES CITIZENSHIP AND  
5 IMMIGRATION SERVICES.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 29-1-9 NMSA 1978 (being Laws 1891,  
9 Chapter 60, Section 1 and Laws 1891, Chapter 60, Section 2,  
10 as amended) is amended to read:

11 "29-1-9. APPOINTMENT OF PEACE OFFICERS--CITIZENSHIP  
12 CERTIFICATE OF APPOINTMENT--EXCEPTIONS.--

13 A. No sheriff of a county, mayor of a city or  
14 other person authorized by law to appoint special deputy  
15 sheriffs, marshals, police officers or other peace officers  
16 in the state of New Mexico to preserve the public peace and  
17 to prevent and quell public disturbances shall appoint as  
18 such special deputy sheriff, marshal, police officer or  
19 other peace officer any person who is not a citizen of the  
20 United States of America or has not been authorized to work  
21 by the United States citizenship and immigration services.

22 B. No person shall assume or exercise the  
23 functions, powers, duties and privileges incident and  
24 belonging to the office of special deputy sheriff, marshal,  
25 police officer or other peace officer without first having

1 received an appointment in writing from a person authorized  
2 by law to appoint special deputy sheriffs, marshals, police  
3 officers or other peace officers; provided that nothing in  
4 this section shall apply to lawfully appointed United States  
5 marshals or to deputies of those marshals or to railroad  
6 peace officers appointed pursuant to Section 63-2-18  
7 NMSA 1978 in the performance of their duties as peace  
8 officers.

9 C. This section shall not apply in times of riot  
10 or unusual disturbance and when so declared by the public  
11 proclamation of the governor of the state."

12 SECTION 2. Section 29-2-6 NMSA 1978 (being Laws 1941,  
13 Chapter 147, Section 6, as amended) is amended to read:

14 "29-2-6. QUALIFICATIONS OF MEMBERS.--

15 A. Members of the New Mexico state police, except  
16 the chief, shall:

17 (1) at the time of their appointment, be  
18 citizens of the United States or be authorized to work by  
19 the United States citizenship and immigration services;

20 (2) at the time of their appointment, have  
21 reached twenty-one years of age;

22 (3) except as otherwise provided in  
23 Subsection B of this section, at the time of their  
24 appointment, have completed at least sixty hours of college  
25 credit or have had two years of military or law enforcement

1 service. This requirement shall not apply to officers who  
2 are certified and commissioned as of June 30, 2015 in the  
3 former motor transportation division or the former special  
4 investigations division;

5 (4) be of good moral character and not have  
6 been convicted of a felony or infamous crime in the courts of  
7 this state or other state or any country or in the federal  
8 courts; and

9 (5) pass a physical examination that the  
10 New Mexico state police may require.

11 B. Notwithstanding the requirement of  
12 Paragraph (3) of Subsection A of this section, the chief may  
13 appoint a member of the New Mexico state police who has at  
14 least thirty hours of college credit, and the chief shall  
15 determine an appropriate time period after appointment for  
16 the member to complete the additional thirty hours of college  
17 credit required. This provision shall not apply to officers  
18 who are certified and commissioned as of June 30, 2015 in the  
19 former motor transportation division or the former special  
20 investigations division."

21 SECTION 3. Section 29-7-6 NMSA 1978 (being Laws 1993,  
22 Chapter 255, Section 6) is amended to read:

23 "29-7-6. QUALIFICATIONS FOR CERTIFICATION.--

24 A. An applicant for certification shall provide  
25 evidence satisfactory to the board that the applicant:

1                   (1) is a citizen of the United States or has  
2 been authorized to work by the United States citizenship and  
3 immigration services and has reached the age of majority;

4                   (2) holds a high school diploma or the  
5 equivalent;

6                   (3) holds a valid driver's license;

7                   (4) has not been convicted of or pled guilty  
8 to or entered a plea of nolo contendere to any felony charge  
9 or, within the three-year period immediately preceding the  
10 application, to any violation of any federal or state law or  
11 local ordinance relating to aggravated assault, theft,  
12 driving while intoxicated, controlled substances or other  
13 crime involving moral turpitude and has not been released or  
14 discharged under dishonorable conditions from any of the  
15 armed forces of the United States;

16                   (5) after examination by a licensed  
17 physician, is free of any physical condition that might  
18 adversely affect the applicant's performance as a police  
19 officer or prohibit the applicant from successfully  
20 completing a prescribed basic law enforcement training  
21 required by the Law Enforcement Training Act;

22                   (6) after examination by a certified  
23 psychologist, is free of any emotional or mental condition  
24 that might adversely affect performance as a police officer  
25 or prohibit the applicant from successfully completing a

1 prescribed basic law enforcement training required by the Law  
2 Enforcement Training Act;

3 (7) is of good moral character;

4 (8) has met any other requirements for  
5 certification prescribed by the board pursuant to regulations  
6 adopted by the board; and

7 (9) has previously been awarded a  
8 certificate of completion by the director attesting to the  
9 applicant's completion of an approved law enforcement  
10 training program.

11 B. A person employed as a police officer by any  
12 law enforcement agency in this state shall forfeit the  
13 person's position unless, no later than twelve months after  
14 beginning employment as a police officer, the person satisfies  
15 the qualifications for certification set forth in Subsection A  
16 of this section and is awarded a certificate attesting to that  
17 fact."