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HOUSE BILL 369

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JAMES G. TAYLOR

AN ACT

RELATING TO PUBLIC SAFETY; PROVIDING FOR THE CREATION OF
INDEPENDENT CITIZEN POLICE AND SHERIFF REVIEW BOARDS.

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

Section 1. A new section of the Municipal Code is enacted
to read:

" [NEW MATERIAL] INDEPENDENT CITIZEN POLICE REVIEW BOARDS--
SCOPE AND AUTHORITY. --

A. A municipality whose charter has been authorized
by general law or by the governing body of a municipality may
establish a citizen police review board by ordinance, which
shall be independent of the law enforcement agency of the
municipality. The authority of a citizen police review board
includes the ability to:

- (1) receive, review and investigate citizen

1 complaints filed against peace officers;

2 (2) recommend appropriate disciplinary action
3 to the law enforcement agency or the district attorney's office
4 against offending peace officers, including the imposition of
5 progressive disciplinary action for peace officers who are
6 repeat offenders;

7 (3) recommend the appointment of independent
8 investigators or prosecutors;

9 (4) make recommendations for indictments to the
10 district attorney or to a court of law for prosecution;

11 (5) subpoena all relevant information and
12 police records, reports, materials and witnesses to appear
13 before the board; and

14 (6) recommend policy to the law enforcement
15 agency and the governing body.

16 B. Any information gathered by the citizen police
17 review board related to the prosecution of a peace officer shall
18 remain confidential and shall be subject to any other
19 confidentiality provisions in law.

20 C. Citizen police review boards shall be subject to
21 the provisions of the Public Records Act.

22 D. Board members shall reside in the municipality
23 where the citizen police review board is located.

24 E. No person having a conflict of interest shall
25 serve on a citizen police review board.

Underscored material = new
[bracketed material] = delete

1 F. As used in this section:

2 (1) "conflict of interest" means a person
3 currently employed with a law enforcement or security agency or
4 holding a membership in a police association or any other formal
5 law enforcement organization, whether public or private; and

6 (2) "peace officer" means a public official or
7 public officer vested by law with a duty to maintain public
8 order or to make arrests for crime, whether that duty extends to
9 all crimes or is limited to specific crimes."

10 Section 2. [NEW MATERIAL] INDEPENDENT CITIZEN SHERIFF
11 REVIEW BOARDS--SCOPE AND AUTHORITY. --

12 A. A county may establish a citizen sheriff review
13 board by ordinance, which shall be independent of the sheriff's
14 office of the county. The authority of a citizen sheriff review
15 board includes the ability to:

16 (1) receive, review and investigate citizen
17 complaints filed against peace officers;

18 (2) recommend appropriate disciplinary action
19 to the sheriff's office or the district attorney's office
20 against offending peace officers, including the imposition of
21 progressive disciplinary action for peace officers who are
22 repeat offenders;

23 (3) recommend the appointment of independent
24 investigators or prosecutors;

25 (4) make recommendations for indictments to the

1 district attorney or to a court of law for prosecution;

2 (5) subpoena all relevant information and law
3 enforcement records, reports, materials and witnesses to appear
4 before the board; and

5 (6) recommend policy to the sheriff's office
6 and the governing body.

7 B. Any information gathered by the citizen sheriff
8 review board related to the prosecution of a peace officer shall
9 remain confidential and shall be subject to any other
10 confidentiality provisions in law.

11 C. Citizen sheriff review boards shall be subject to
12 the provisions of the Public Records Act.

13 D. Board members shall reside in the county where
14 the citizen sheriff review board is located.

15 E. No person having a conflict of interest shall
16 serve on a citizen sheriff review board.

17 F. As used in this section:

18 (1) "conflict of interest" means a person
19 currently employed with a law enforcement or security agency or
20 holding a membership in a police association or any other formal
21 law enforcement organization, whether public or private; and

22 (2) "peace officer" means any public official
23 or public officer vested by law with a duty to maintain public
24 order or to make arrests for crime, whether that duty extends to
25 all crimes or is limited to specific crimes.

State of New Mexico
House of Representatives

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3 FORTY-THIRD LEGISLATURE
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5 FIRST SESSION, 1997
6
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8 February 18, 1997
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10
11 Mr. Speaker:
12

13 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
14 whom has been referred

15 HOUSE BILL 369
16

17 has had it under consideration and reports same with
18 recommendation that it DO PASS, amended as follows:
19

20 1. On page 2, strike lines 11 and 12, and on line 13 strike
21 the words "before the board;".

22 2. Renumber the succeeding paragraph accordingly.
23

24 3. On page 4, strike lines 2 and 3, and on line 4 strike the
25 words "before the board;".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HCPAC/HB 369

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4. Renumber the succeeding paragraph accordingly.,

and thence referred to the GOVERNMENT AND URBAN AFFAIRS
COMMITTEE.

Respectfully submitted,

Gary King, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HCPAC/HB 369

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The roll call vote was 6 For 1 Against

Yes: 6

No: Dana

Excused: Rios, Vaughn, Vigil

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 369, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 23, strike "authority" and insert in lieu
thereof "duties".

2. On page 1, line 24, strike "includes" and insert in lieu
thereof "may include".

3. On page 1, line 25, strike the comma and insert in lieu
thereof "and" and strike "and investigate".

4. On page 2, line 3, after "agency" strike the remainder of
the line.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HGUAC/HB 369/a

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5. On page 2, line 7, after "recommend" insert "to the governing body of the municipality".

6. On page 2, strike lines 9 and 10.

7. Renumber the succeeding paragraph accordingly.

8. On page 3, line 6, after "means" strike the remainder of the line, strike "public" on line 7 and insert in lieu thereof "an employee who is a law enforcement".

9. On page 3, line 14, strike "authority" and insert in lieu thereof "duties".

10. On page 3, line 15, strike "includes" and insert in lieu thereof "may include".

11. On page 3, line 16, strike the comma and insert in lieu thereof "and" and strike "and investigate".

12. On page 3, line 19, strike "or the district attorney's office".

13. On page 3, line 23, after "recommend" insert "to the governing body of the county".

14. On pages 3 and 4, strike Paragraph (4) in its entirety.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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15. Renumber the succeeding paragraph accordingly.

16. On page 4, line 22, after "means" strike the remainder of the line, on line 23, strike "or public" and insert in lieu thereof "an employee who is a law enforcement".

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

Underscored material = new
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HGUAC/HB 369/a

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The roll call vote was 6 For 1 Against

Yes: 6

No: Pearce

Excused: Hobbs

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 19, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 369, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: King, Mallory, Pederson, Rios, Sanchez, Vaughn

Absent: None

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Underscored material = new
[bracketed material] = delete

**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 20, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 369, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 4 Against

Yes: 11

No: Bird, Marquardt, Pearce, Townsend

Excused: Picraux, Wallace

Absent: None

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Underscored material = new
[bracketed material] = delete