

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 499**

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

**INTRODUCED BY**

**G. X. MCSHERRY**

**AN ACT**

**RELATING TO LAW ENFORCEMENT; AUTHORIZING COUNTY SHERIFFS TO  
DESIGNATE CERTAIN FEDERAL LAW ENFORCEMENT OFFICERS AS NEW MEXICO  
PEACE OFFICERS; AMENDING A SECTION OF THE NMSA 1978.**

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

**Section 1. Section 29-1-11 NMSA 1978 (being Laws 1972,  
Chapter 8, Section 1, as amended) is amended to read:**

**"29-1-11. AUTHORIZATION OF TRIBAL AND PUEBLO POLICE  
OFFICERS AND CERTAIN FEDERAL OFFICERS TO ACT AS NEW MEXICO PEACE  
OFFICERS-- AUTHORITY, PAYMENT AND PROCEDURE FOR COMMISSIONED  
PEACE OFFICERS. --**

**A. All persons who are duly commissioned officers of  
the police or sheriff's department of any New Mexico Indian  
tribe or pueblo or who are law enforcement officers employed by  
the bureau of Indian affairs and are assigned in New Mexico are,**

Underscored material = new  
[bracketed material] = delete

1 when commissioned under Subsection B of this section, recognized  
2 and authorized to act as New Mexico peace officers. These  
3 officers have all the powers of New Mexico peace officers to  
4 enforce state laws in New Mexico, including [~~but not limited to~~]  
5 the power to make arrests for violation of state laws.

6 B. The chief of the New Mexico state police is  
7 granted authority to issue commissions as New Mexico peace  
8 officers to members of the police or sheriff's department of any  
9 New Mexico Indian tribe or pueblo or a law enforcement officer  
10 employed by the bureau of Indian affairs to implement the  
11 provisions of this section. The procedures to be followed in  
12 the issuance and revocation of commissions and the respective  
13 rights and responsibilities of the departments shall be set  
14 forth in a written agreement to be executed between the chief of  
15 the New Mexico state police and the tribe or pueblo or the  
16 appropriate federal official.

17 C. The agreement referred to in Subsection B of this  
18 section shall contain the following conditions:

19 (1) the tribe or pueblo, but not the bureau of  
20 Indian affairs, shall submit proof of adequate public liability  
21 and property damage insurance for vehicles operated by the peace  
22 officers and police professional liability insurance from a  
23 company licensed to sell insurance in the state;

24 (2) each applicant for a commission shall  
25 successfully complete four hundred hours of basic police

Underscored material = new  
[bracketed material] = delete

1 training that is approved by the director of the New Mexico law  
2 enforcement academy;

3 (3) the chief of the New Mexico state police  
4 shall have the authority to suspend any commission granted  
5 pursuant to Subsection B of this section for reasons solely  
6 within his discretion;

7 (4) if any provision of the agreement is  
8 violated by the tribe or pueblo or any of its agents, the chief  
9 of the New Mexico state police shall suspend the agreement on  
10 five days' notice, which suspension shall last until the chief  
11 is satisfied that the violation has been corrected and will not  
12 recur;

13 (5) the officer's goldenrod-colored [~~officer's~~]  
14 second copy of any citation issued pursuant to a commission  
15 authorized by this section shall be submitted within five days  
16 to the chief of the New Mexico state police;

17 (6) any citation issued pursuant to a  
18 commission authorized by this section shall be to a magistrate  
19 court of New Mexico; except that any citations issued to Indians  
20 within the exterior boundaries of an Indian reservation shall be  
21 cited into tribal court;

22 (7) the agreement or any commission issued  
23 pursuant to it shall not confer any authority on a tribal court  
24 or other tribal authority which that court or authority would  
25 not otherwise have;

Underscored material = new  
[bracketed material] = delete

1 (8) the authority conferred by any agreement  
2 entered into pursuant to the provisions of this section shall be  
3 coextensive with the exterior boundaries of the reservation;  
4 except that an officer commissioned under this section may  
5 proceed in hot pursuit of an offender beyond the exterior  
6 boundaries of the reservation, and the authority conferred in  
7 any written agreement between the chief of the New Mexico state  
8 police and the Navajo tribe may extend beyond the exterior  
9 boundaries of the Navajo reservation to and including the area  
10 enclosed by the following description:

11 Beginning at a point where the southern boundary line of  
12 the Navajo Indian reservation intersects the western  
13 right-of-way line of US 666, and running thence; southerly along  
14 the western right-of-way line of US 666 to the northerly city  
15 limits of Gallup; thence, easterly along the northerly city  
16 limits of Gallup to the northern side of the right-of-way of  
17 I-40; thence, in an easterly direction along the northerly side  
18 of the right-of-way of I-40 to the northerly limits of the  
19 village of Prewitt; thence, in a straight line between the  
20 northerly boundary of the village of Prewitt to the southerly  
21 boundary of Ambrosia Lake; thence in a straight line between the  
22 southerly boundary of Ambrosia Lake to the southerly boundary of  
23 Hospah; thence, east along a straight line from the southerly  
24 boundary of Hospah to the southern boundary of Torreon; thence  
25 along the easterly side of the right-of-way of state road 197 to

. 115422. 1

Underscored material = new  
[bracketed material] = delete

1 the westerly city limits of Cuba; thence, north along the  
2 westerly side of the right-of-way of state road 44 to the  
3 southerly boundary of the Jicarilla Apache Indian reservation;  
4 thence, westerly along the southerly boundary of the Jicarilla  
5 Apache Indian reservation to the southwest corner of that  
6 reservation; thence, northerly along the westerly boundary of  
7 the Jicarilla Apache Indian reservation to a point where the  
8 westerly boundary of the reservation intersects the southerly  
9 side of the right-of-way of state road 44; thence, northerly  
10 along the southerly side of the right-of-way of state road 44 to  
11 its intersection with the northerly side of the right-of-way of  
12 Navajo road 3003; thence, along the northerly side of the  
13 right-of-way of Navajo road 3003 to a point where the northerly  
14 side of the right-of-way of Navajo road 3003 intersects the  
15 westerly side of the right-of-way line of state road 371;  
16 thence, northerly along the west side of the right-of-way of  
17 state road 371 to the southerly side of the right-of-way of  
18 Navajo road 36; thence, westerly along the southerly side of the  
19 right-of-way of Navajo road 36 to the eastern border of the  
20 Navajo Indian reservation; thence, along the eastern and  
21 southerly borders of the Navajo Indian reservation to the point  
22 of beginning.

23 The municipalities of Cuba and Gallup and the villages of  
24 Thoreau and Prewitt are excluded from the grant of authority  
25 that may be conferred in any written agreement entered into

. 115422. 1

Underscored material = new  
[bracketed material] = delete

1 pursuant to provisions of this section; provided, however, any  
2 written agreement may include under such grant of authority the  
3 communities of Ambrosia Lake, Hospah, Torreon, Lybrook, Nageezi,  
4 Counselors and Blanco Trading Post and those communities  
5 commonly known as the Wingate community; the Navajo Tribe blue  
6 water ranch area of the Thoreau community; the Prewitt  
7 community, exclusive of the village of Prewitt; the Haystack  
8 community; the Desidero community; the Sand Springs community;  
9 the Rincon Marquis community; the Charley Jesus Arviso and the  
10 Castillo community; and state road 264 beginning at the point  
11 where it intersects US 666 and ending where state road 264  
12 intersects the Arizona-New Mexico state line;

13 (9) the chief of the New Mexico state police or  
14 his designee and the tribe or pueblo or the appropriate federal  
15 official shall be required to meet at least quarterly or more  
16 frequently at the call of the chief of the New Mexico state  
17 police to discuss the status of the agreement and invite other  
18 law enforcement or other officials to attend as necessary; and

19 (10) as consideration for law enforcement  
20 services rendered for the state by tribal or pueblo police  
21 officers who are commissioned peace officers pursuant to this  
22 section, each tribe or pueblo shall receive from the law  
23 enforcement protection fund three hundred dollars (\$300) for  
24 each commissioned peace officer in the tribe or pueblo. To be  
25 counted as a commissioned peace officer for the purposes of this

Underscored material = new  
[bracketed material] = delete

1 paragraph, a commissioned peace officer shall have been assigned  
2 to duty and have worked in New Mexico for no fewer than two  
3 hundred days in the calendar year immediately prior to the date  
4 of payment. Payments shall be made for only those divisions of  
5 the tribal or pueblo police departments that perform services in  
6 New Mexico. No Indian nation, tribe or pueblo police department  
7 shall be eligible for any disbursement under the fund if  
8 officers of that department cite non-Indians into the court of  
9 that Indian nation, tribe or pueblo. This eligibility  
10 requirement would apply to either civil or criminal citations  
11 issued by an Indian nation, tribe or pueblo police department.

12 D. Nothing in this section impairs or affects the  
13 existing status and sovereignty of tribes and pueblos of Indians  
14 as established under the laws of the United States.

15 E. All persons who are duly commissioned federal law  
16 enforcement officers employed by the federal bureau of  
17 investigation; drug enforcement administration; bureau of  
18 alcohol, tobacco and firearms; United States secret service;  
19 United States customs service; immigration and naturalization  
20 service; United States marshals service; postal inspection  
21 service; and other appropriate federal officers whose primary  
22 duty is law enforcement related, ~~[as designated by the chief of~~  
23 ~~the New Mexico state police upon a recommendation by a county~~  
24 ~~sheriff]~~ who are assigned in New Mexico and who are designated  
25 by the county sheriff in the county in which they are working,

Underscored material = new  
[bracketed material] = delete

1 are recognized and authorized to act as New Mexico peace  
2 officers and have all the powers of New Mexico peace officers to  
3 enforce state laws in New Mexico, including the power to make  
4 arrests for violation of state laws. This subsection shall not  
5 be construed to impose liability upon or to require  
6 indemnification by the state for any act performed by a federal  
7 law enforcement officer pursuant to this subsection.

8 F. The provisions of Subsection E of this section  
9 regarding designation of federal law enforcement officers by a  
10 county sheriff do not apply to federal law enforcement officers  
11 who are duly commissioned officers of a police or sheriff's  
12 department for an Indian tribe or pueblo in New Mexico or who  
13 are federal law enforcement officers employed by the bureau of  
14 Indian affairs. "

15 Section 2. EFFECTIVE DATE. -- The effective date of the  
16 provisions of this act is July 1, 1997.



# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 15, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 499

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

1. On page 7, line 21, after the semicolon insert "United  
States probation department; United States pretrial services  
agency;".

2. On page 7, line 25, after "sheriff" insert "on a case-  
by- case basis".

The roll call vote on Amendment #2 was 7 For 2 Against

Yes: 7

No: Luna, Sanchez

Excused: Carpenter, King, Rios, Stewart

Absent: None

. 115422. 1

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Respectfully submitted,

\_\_\_\_\_  
Thomas P. Foy, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Carpenter, King, Rios, Stewart

Absent: None

M \ H0499

Underscored material = new  
[bracketed material] = delete