

1 SENATE BILL

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4
5
6 DISCUSSION DRAFT

7
8
9
10 AN ACT

11 RELATING TO LAW ENFORCEMENT; PROVIDING MECHANISMS TO STRENGTHEN
12 THE LAW ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATOR
13 PROFESSIONS; REQUIRING THE ADOPTION AND IMPLEMENTATION OF UP-
14 TO-DATE PROFESSIONAL LAW ENFORCEMENT AND PUBLIC SAFETY
15 TELECOMMUNICATOR TRAINING AND PROFESSIONAL DEVELOPMENT SYSTEMS
16 THAT MEET NATIONAL STANDARDS; REQUIRING THE ADOPTION OF
17 EVIDENCE- AND STANDARDS-BASED LAW ENFORCEMENT AND PUBLIC SAFETY
18 TELECOMMUNICATOR TRAINING CURRICULA; REQUIRING REGULAR
19 CURRICULA UPDATES; REQUIRING THE DEVELOPMENT OF TRAINING AND
20 PERFORMANCE STANDARDS; REQUIRING A COMPREHENSIVE REVIEW OF THE
21 LAW ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATOR TRAINING
22 SYSTEMS AT LEAST EVERY FIVE YEARS; ALLOWING THE LAW ENFORCEMENT
23 CERTIFICATION BOARD TO SUMMARILY SUSPEND POLICE OFFICERS WHO
24 FAIL TO SUBMIT PROOF OF REQUIRED IN-SERVICE TRAINING PRIOR TO
25 BEGINNING A REVOCATION PROCESS; PROVIDING THAT BOARD

.223327.1

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 INVESTIGATION DOCUMENTS SHALL REMAIN CONFIDENTIAL UNTIL THE
2 CASE IS COMPLETED; MAKING APPROPRIATIONS.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

5 SECTION 1. That version of Section 9-19-8 NMSA 1978
6 (being Laws 1987, Chapter 254, Section 8, as amended) that is
7 to become effective July 1, 2023 is amended to read:

8 "9-19-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The
9 governor's organized crime prevention commission, the New
10 Mexico law enforcement standards and training council and the
11 law enforcement certification board are administratively
12 attached to the department and the New Mexico law enforcement
13 standards and training council is administratively attached to
14 the New Mexico law enforcement academy in accordance with the
15 Executive Reorganization Act."

16 SECTION 2. A new section of the Law Enforcement Training
17 Act, Section 29-7-1.1 NMSA 1978, is enacted to read:

18 "29-7-1.1. [NEW MATERIAL] FINDINGS AND PURPOSE--
19 PRINCIPLES OF LAW ENFORCEMENT.--

20 A. The legislature finds that:

21 (1) there are major systemic issues with New
22 Mexico law enforcement and public safety telecommunicator
23 training and certification that will take several years to
24 correct;

25 (2) the legislature began the process last

underscoring material = new
~~[bracketed material] = delete~~

1 year with the enactment of Laws 2022, Chapter 56, but much
2 remains to be done;

3 (3) law enforcement and public safety
4 telecommunications need to be recognized as professions that
5 meet national standards for professional skills, knowledge and
6 behavior and national standards for training and certification;

7 (4) there need to be consequences for failure
8 to meet standards and requirements; and

9 (5) police officers deserve to have the
10 respect and community standing as fully qualified
11 professionals.

12 B. The legislature finds further that the New
13 Mexico law enforcement system should rest on the following
14 principles:

15 (1) police officers are prepared to intervene
16 effectively and appropriately in situations that carry
17 significant risk to life and liability;

18 (2) police officers and law enforcement
19 agencies understand implicit bias and the civil rights
20 guaranteed in the constitution of New Mexico and the United
21 States constitution and how to avoid and prevent civil rights
22 violations;

23 (3) police officers use the least restrictive
24 and lowest use of force appropriate to preserve the safety of
25 officers and the public;

.223327.1

underscored material = new
~~[bracketed material] = delete~~

1 (4) police officers and law enforcement
2 agencies recognize and respect all persons as worthy of
3 protection and service, regardless of physical appearance,
4 medical status, mental health, drug abuse or other handicapping
5 condition;

6 (5) police officers maintain professional
7 standards at all times, including intervention in inappropriate
8 or illegal conduct by peers or higher ranked officers;

9 (6) police officers take pride in providing
10 service to the community, acting as protectors of the community
11 and demonstrating continued proficiency in all core skills;

12 (7) law enforcement agencies recognize the
13 stresses and difficult working conditions under which police
14 officers work and make officer wellness a priority and
15 encourage the use of mental health and other services to
16 support officer well-being, including stress management and de-
17 stigmatization of mental health and other officer supports; and

18 (8) police officers are sensitive to the
19 collateral damage that occurs in the wake of law enforcement
20 interventions that have violent elements.

21 C. The legislature finds further that the law
22 enforcement standards and training council, the law enforcement
23 certification board and a professionally staffed and well-run
24 law enforcement academy underpin legislative and executive
25 efforts to improve the two systems through implementation of

.223327.1

1 modern, up-to-date law enforcement academy curricula that meet
2 national standards and evidence- and standards-based training,
3 including field, in-service and advanced training; instructor
4 training; and the provision of continuing professional
5 development.

6 D. The purpose of the Law Enforcement Training Act
7 is to give the law enforcement standards and training council
8 and the law enforcement certification board created in Laws
9 2022, Chapter 56 the statutory and financial tools necessary to
10 design and implement a professional training and certification
11 system for law enforcement and public safety
12 telecommunicators."

13 SECTION 3. That version of Section 29-7-7 NMSA 1978
14 (being Laws 1981, Chapter 114, Section 6, as amended) that is
15 to become effective July 1, 2023 is recompiled as Section
16 29-7-1.2 NMSA 1978 and is amended to read:

17 "29-7-1.2. DEFINITIONS.--For the purpose of the Law
18 Enforcement Training Act:

19 A. "academy" means the New Mexico law enforcement
20 academy;

21 B. "basic law enforcement training" means a course
22 consisting of not less than four hundred hours of instruction
23 in basic law enforcement training as required by the Law
24 Enforcement Training Act;

25 C. "board" means the law enforcement certification

underscoring material = new
[bracketed material] = delete

1 board;

2 D. "commissioned" means the authority given to a
3 certified law enforcement officer employed by a law enforcement
4 agency to apprehend, arrest and bring before the court any
5 violators within the law enforcement agency's jurisdiction;

6 ~~[D.]~~ E. "conviction" means an adjudication of guilt
7 or a plea of no contest and includes convictions that are
8 suspended or deferred;

9 ~~[E.]~~ F. "council" means the New Mexico law
10 enforcement standards and training council;

11 ~~[F.]~~ G. "director" means the director of the
12 division;

13 ~~[G.]~~ H. "division" or "academy" means the New
14 Mexico law enforcement academy of the department of public
15 safety;

16 ~~[H.]~~ I. "in-service law enforcement training" means
17 a course of instruction required of all certified peace
18 officers and designed to train and equip all police officers in
19 the state with specific law enforcement skills and to ensure
20 the continuing development of all police officers in the state.
21 The training and instruction shall be kept current and may be
22 conducted on a regional basis at the discretion of the
23 director;

24 ~~[I.]~~ J. "law enforcement agency" means an agency of
25 the state or local political subdivision of the state that

.223327.1

underscored material = new
[bracketed material] = delete

1 employs certified and commissioned law enforcement officers or
2 the police department of [~~a~~] an Indian nation, tribe or pueblo
3 or the bureau of Indian affairs that employs commissioned
4 officers and that has entered into [~~an~~] a commissioning
5 agreement with the department of public safety [~~pursuant to~~] in
6 accordance with Section 29-1-11 NMSA 1978;

7 [~~J~~] K. "police officer" means any commissioned
8 employee of a law enforcement agency that is part of or
9 administered by the state or any political subdivision of the
10 state, and includes any employee of a missile range civilian
11 police department who is a graduate of a recognized certified
12 regional law enforcement training facility and who is currently
13 certifiable by the academy, which employee is responsible for
14 the prevention and detection of crime or the enforcement of the
15 penal, [~~or~~] traffic or highway laws of this state. The term
16 specifically includes deputy sheriffs. Sheriffs are eligible
17 to attend the academy and are eligible to receive certification
18 as provided in the Law Enforcement Training Act [~~As used in~~
19 ~~this subsection, "commissioned" means an employee of a law~~
20 ~~enforcement agency who is authorized by a sheriff or chief of~~
21 ~~police to apprehend, arrest and bring before the court all~~
22 ~~violators within the law enforcement agency's jurisdiction];~~
23 and

24 [~~K~~] L. "certified regional law enforcement
25 training facility" means a law enforcement training facility

.223327.1

underscored material = new
[bracketed material] = delete

1 within the state certified by the director, with the approval
2 of the academy's board of directors, that offers basic law
3 enforcement training and in-service law enforcement training
4 that is comparable to or exceeds the standards of the programs
5 of the academy."

6 SECTION 4. That version of Section 29-7-3 NMSA 1978
7 (being Laws 1979, Chapter 202, Section 42, as amended) that is
8 effective July 1, 2023 is amended to read:

9 "29-7-3. NEW MEXICO LAW ENFORCEMENT STANDARDS AND
10 TRAINING COUNCIL.--

11 A. [~~There is created~~] The "New Mexico law
12 enforcement standards and training council" is created and is
13 administratively attached to the New Mexico law enforcement
14 academy of the department of public safety, which shall provide
15 staff support for the council.

16 B. The council shall develop and [~~adopt basic~~]
17 promulgate training and [~~in-service training~~] professional
18 standards for police officers and public safety
19 telecommunicators in New Mexico.

20 C. The council [~~shall consist~~] consists of:

21 (1) the director of the [~~New Mexico law~~
22 ~~enforcement~~] academy and the directors of [~~all~~] the [~~satellite~~]
23 certified regional law enforcement [~~academies, who shall serve~~
24 ~~automatically by reason of their position. The remaining~~
25 ~~seven~~] training facilities, who serve ex officio; and

.223327.1

underscored material = new
[bracketed material] = delete

1 (2) nine members [~~of the council shall be~~]
2 appointed by the governor and confirmed by the senate, [~~An~~
3 ~~appointed council member shall serve and have all of the~~
4 ~~duties, responsibilities and authority of that office during~~
5 ~~the period prior to the final action by the senate in~~
6 ~~confirming or rejecting the appointment. The members appointed~~
7 ~~by the governor shall consist of~~] consisting of:

8 (a) one attorney [~~who is currently~~]
9 employed in a district attorney's office;

10 (b) one attorney [~~who is currently~~]
11 employed by the public defender department;

12 (c) one certified police chief of a New
13 Mexico Indian nation, tribe or pueblo;

14 (d) two certified public safety
15 telecommunicators, one of whom is employed by a public safety
16 agency in a rural part of the state;

17 (e) two members who have experience and
18 specialize in providing adult education; and

19 (f) two citizen-at-large members
20 appointed by the governor and confirmed by the senate, one of
21 whom [~~shall have~~] has experience as a behavioral health
22 provider and neither of whom [~~shall be~~] are a police officer or
23 retired police officer or have familial or financial
24 connections to a police officer or any agency or department for
25 which a police officer works.

.223327.1

underscored material = new
[bracketed material] = delete

1 D. An appointed council member shall serve and have
2 all of the duties, responsibilities and authority of that
3 office during the period prior to the final action by the
4 senate in confirming or rejecting the appointment. Vacancies
5 on the council shall be filled by appointment by the governor
6 with the consent of the senate for the unexpired term.

7 ~~[D-]~~ E. Appointments to the council shall be for
8 staggered terms of four years or less made in such manner that
9 the terms of not more than ~~[two]~~ three members expire on July 1
10 of each year.

11 ~~[E-]~~ F. Members of the council ~~[shall]~~ are entitled
12 to receive, for their service as members of the council, per
13 diem and mileage as provided in the Per Diem and Mileage Act."

14 SECTION 5. That version of Section 29-7-4 NMSA 1978
15 (being Laws 1969, Chapter 264, Section 6, as amended) that is
16 effective July 1, 2023 is amended to read:

17 "29-7-4. POWERS AND DUTIES OF COUNCIL--EVIDENCE- AND
18 STANDARDS-BASED TRAINING PROGRAM--CONTRACTS FOR TRAINING
19 CURRICULA REVISIONS, ADOPTION OF PROGRAM AND PROFESSIONAL
20 STANDARDS.--

21 A. The council shall:
22 (1) after consultation with the board, adopt
23 by rule professional standards that describe the skills,
24 knowledge and behaviors that characterize exemplary practice
25 and professional growth of law enforcement officers in New

.223327.1

underscored material = new
[bracketed material] = delete

1 Mexico;

2 [A.] (2) develop [a] planned [~~program~~]
3 programs of evidence- and standards-based training that meet
4 national standards and are responsive to changing requirements
5 of police officers and public safety telecommunicators in New
6 Mexico's diverse geographic, ethnic and cultural settings, to
7 be implemented by the director, [~~of:—(1) basic~~] through:

8 (a) law enforcement training [~~and~~],
9 including in-service and advanced law enforcement training, a
10 portion of which may be conducted on a regional basis; and

11 [~~(2) basic~~] (b) public safety
12 telecommunicator training [~~and~~], including in-service
13 [~~telecommunicator~~] and advanced training as provided in the
14 Public Safety Telecommunicator Training Act, a portion of which
15 may be conducted on a regional basis;

16 [B.] (3) prescribe by rule qualifications and
17 required training for all instructors, [~~and prescribe~~]
18 including field training officers;

19 (4) prescribe by rule curricula and courses of
20 instruction for [~~(1) basic~~] all levels of law enforcement
21 training and [~~in-service law enforcement~~] public safety
22 telecommunicator training; [~~and (2) basic telecommunicator~~
23 ~~training and in-service telecommunicator training, as provided~~
24 ~~in the Public Safety Telecommunicator Training Act;~~

25 G.] (5) report annually to the governor and

.223327.1

underscored material = new
[bracketed material] = delete

1 the legislature;

2 [D-] (6) in its discretion, accept donations,
3 contributions, grants or gifts from whatever source for the
4 benefit of the council or academy, which donations,
5 contributions, grants or gifts are appropriated for the use of
6 the academy; and

7 [E-] (7) adopt [~~publish and file~~] and
8 promulgate, in accordance with the provisions of the State
9 Rules Act, all rules concerning the implementation and
10 enforcement of Sections 29-7-2 through 29-7-7.7, 29-7-12,
11 29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA 1978.

12 B. With the approval of the council during the
13 period the council and the academy are developing and updating
14 the evidence- and standards-based training programs that meet
15 national standards, the academy may contract with law
16 enforcement and public safety telecommunicator curriculum
17 design and evaluation experts to perform job task analyses of
18 different levels of law enforcement and recommend:

19 (1) professional standards for police and
20 other law enforcement officers and public safety
21 telecommunicators;

22 (2) revisions to training curricula and
23 academic and physical performance standards to ensure that law
24 enforcement training in New Mexico:

25 (a) meets national law enforcement

.223327.1

underscored material = new
[bracketed material] = delete

1 training standards and professional standards;

2 (b) is evidence- and standards-based;

3 and

4 (c) embodies the law enforcement

5 principles for police officers enumerated in Section 2 of this

6 2023 act; and

7 (3) training requirements for instructors and

8 other law enforcement personnel responsible for training law

9 enforcement officers and public safety telecommunicators in the

10 performance of their duties.

11 C. The law enforcement training system, including

12 curricula, training standards, professional standards and

13 academy staffing, shall undergo a comprehensive review and

14 update at least every five years.

15 D. Nothing in Subsection B of this section limits

16 the council from approving interim new or more up-to-date

17 versions of training curricula for the academy during the

18 multiyear process of conducting job task analyses, adopting and

19 promulgating professional standards and training standards and

20 comprehensively revising the academy's training curricula.

21 E. Until new evidence- and standards-based training

22 programs are implemented, the board shall certify police

23 officers after successful completion of the training programs

24 then in effect. During the process of updating the training

25 system, the council and the academy shall provide periodic

.223327.1

underscored material = new
[bracketed material] = delete

1 reports to the legislature and shall make a final report,
2 including recommendations for funding and statutory changes, to
3 the governor and the legislature."

4 SECTION 6. Section 29-7-4.3 NMSA 1978 (being Laws 2022,
5 Chapter 56, Section 13) is amended to read:

6 "29-7-4.3. LAW ENFORCEMENT CERTIFICATION BOARD--
7 APPOINTMENT--POWERS AND DUTIES--REFUSAL TO ISSUE OR DENIAL,
8 SUSPENSION OR REVOCATION OF CERTIFICATION--SUSPENSION OF
9 CERTIFICATION FOR FAILURE TO MEET REQUIRED IN-SERVICE
10 TRAINING--CONFIDENTIALITY OF INVESTIGATIONS--LAW ENFORCEMENT
11 CERTIFICATION OFFICE CREATED.--

12 A. The "law enforcement certification board" is
13 established and administratively attached to the department of
14 public safety, [~~as an independent board in accordance with the~~
15 ~~Executive Reorganization Act~~] and the department shall provide
16 administrative services for the board and the law enforcement
17 certification office.

18 B. The board consists of [~~nine~~] eleven members
19 appointed by the governor with the advice and consent of the
20 senate. No more than [~~five~~] six members [~~of the board~~] shall
21 be members of the same political party. Members shall be
22 appointed so as to represent different geographic areas of the
23 state and the ethnic and cultural diversity of the state's
24 population. The members [~~of the board~~] shall be appointed for
25 staggered five-year terms, except that for the initial board,

.223327.1

underscored material = new
[bracketed material] = delete

1 two [~~of the initial board~~] members shall be appointed for one-
2 year terms, two [~~of the initial board~~] members shall be
3 appointed for two-year terms, two [~~of the initial board~~]
4 members shall be appointed for three-year terms, two [~~of the~~
5 ~~initial board~~] members shall be appointed for four-year terms;
6 and [~~one of the initial board~~] three members shall be appointed
7 for a five-year term.

8 [~~B.~~] C. The board shall include the following
9 members:

10 (1) a retired district judge, who [~~shall~~
11 ~~serve~~] serves as chair of the board;

12 (2) a municipal [~~peace~~] police officer;

13 (3) a sheriff certified as a police officer;

14 (4) a state or local police officer who has
15 law enforcement management experience;

16 [~~(4)~~] (5) a tribal law [~~peace~~] police officer;

17 (6) a certified public safety
18 telecommunicator;

19 [~~(5)~~] (7) an attorney in private practice who
20 practices as a plaintiff's attorney in the area of civil rights
21 or who represents criminal defendants;

22 [~~(6)~~] (8) an attorney in private practice who
23 represents public entities in civil rights claims; [~~and~~

24 (7)] (9) an attorney who is employed by the
25 public defender department;

.223327.1

underscored material = new
[bracketed material] = delete

1 (10) a professor of criminal justice at a
2 public post-secondary educational institution in New Mexico;
3 and

4 (11) a member of the public who has knowledge
5 and interest in law enforcement training.

6 D. An appointed member shall serve and have all of
7 the duties, responsibilities and authority of that office
8 during the period prior to the final action by the senate in
9 confirming or rejecting the appointment. Vacancies shall be
10 filled by appointment by the governor with the consent of the
11 senate for the unexpired term of the member. Members are
12 entitled to receive per diem and mileage as provided in the Per
13 Diem and Mileage Act.

14 ~~[G.]~~ E. The board shall:

15 (1) take appeals from applicants who have been
16 denied admission to the law enforcement academy;

17 (2) issue certifications to qualified
18 candidates, including law enforcement instructors and regional
19 law enforcement training facilities, recommended for
20 certification by the academy;

21 ~~[(1)]~~ (3) deny, suspend or revoke ~~[(a)]~~ a
22 ~~peace officer's certification for just cause as provided in the~~
23 ~~Law Enforcement Training Act; and~~

24 ~~(b)~~ a telecommunicator's
25 ~~certification for just cause as provided in the Public Safety~~

.223327.1

underscored material = new
[bracketed material] = delete

1 ~~Telecommunicator Training Act; and (2) conduct investigations,~~
2 ~~administer oaths and subpoena persons as necessary to make~~
3 ~~determination regarding fitness of a law enforcement officer to~~
4 ~~execute a law enforcement officer's duties]~~ certifications for
5 just cause as provided in the Law Enforcement Training Act, the
6 Public Safety Telecommunicator Training Act or other laws and
7 rules promulgated in accordance with those laws; and

8 (4) approve rules proposed by the office to
9 carry out the board's and the office's powers and duties
10 pursuant to the Law Enforcement Training Act, including
11 specifically rules pertaining to the refusal to admit for
12 training or the denial, suspension or revocation of
13 certification, and any other powers or duties granted to the
14 board or office.

15 F. Upon complaint or upon its own motion, the board
16 may conduct investigations, administer oaths and issue
17 subpoenas as necessary to make a determination regarding the
18 fitness of a law enforcement officer, public safety
19 telecommunicator or training officer to execute the law
20 enforcement officer's, public safety telecommunicator's or
21 training officer's duties or the fitness of a regional law
22 enforcement training facility to properly train cadets or
23 instructors using evidence- and standards-based curricula
24 approved by the New Mexico standards and training council.

25 ~~[D-]~~ G. The board may require by subpoena the

.223327.1

underscored material = new
[bracketed material] = delete

1 attendance of witnesses or the production of records and other
2 evidence relevant to an investigation and shall have such other
3 powers and duties and administer or enforce such other acts as
4 further provided by law.

5 ~~[E. The board shall appoint a chief executive~~
6 ~~officer to assist the board in carrying out its functions. The~~
7 ~~chief executive officer shall employ persons as necessary to~~
8 ~~assist the board in carrying out its functions.~~

9 ~~F. The board shall adopt, publish and file, in~~
10 ~~accordance with the provisions of the State Rules Act, all~~
11 ~~rules concerning the implementation and enforcement of the Law~~
12 ~~Enforcement Training Act and Public Safety Telecommunicator~~
13 ~~Training Act except those sections enumerated in Subsection E~~
14 ~~of Section 29-7-4 NMSA 1978 for which rules shall be adopted,~~
15 ~~published and filed by the council.~~

16 ~~G. The board shall issue or renew a certification~~
17 ~~to:~~

18 ~~(1) graduates from an approved basic law~~
19 ~~enforcement training program who satisfy the qualifications for~~
20 ~~certification as set forth in Section 29-7-6 NMSA 1978; or~~

21 ~~(2) graduates from an approved basic~~
22 ~~telecommunicator training program who satisfy the~~
23 ~~qualifications for certification as set forth in the Public~~
24 ~~Safety Telecommunicator Training Act.~~

25 ~~H. Members of the board shall receive, for their~~

.223327.1

underscored material = new
[bracketed material] = delete

1 ~~service as members of the board, per diem and mileage as~~
2 ~~provided in the Per Diem and Mileage Act.]~~

3 H. If a police officer or public safety
4 telecommunicator has not fulfilled the biennial requirement for
5 in-service training, the board may notify the police officer or
6 public safety telecommunicator and the law enforcement or
7 public safety agency that the board has summarily suspended the
8 police officer's or public safety telecommunicator's
9 certification. The notice shall include the information that
10 the police officer or public safety telecommunicator has sixty
11 days to show proof of completion of the required hours of in-
12 service training or the board will begin the process of
13 revoking the certificate. The law enforcement agency or public
14 safety agency may request a waiver of suspension because the
15 police office or public safety telecommunicator had been unable
16 to complete the required hours of in-service training because
17 of unforeseen circumstances or other reason provided by rule of
18 the board.

19 I. Internal affairs and other investigation
20 documents provided to or developed by the board for use in a
21 certification case shall remain confidential and not available
22 for inspection pursuant to the Inspection of Public Records Act
23 until such time as the board has completed its adjudication of
24 the case.

25 J. The "law enforcement certification office" is

.223327.1

underscored material = new
[bracketed material] = delete

1 created and serves as staff for the board. The board shall
2 appoint a director who serves at the pleasure of the board. The
3 director shall be appointed without regard to political party
4 affiliation and solely on the ground of fitness to perform the
5 duties of office. The director may employ such professional
6 and clerical staff in accordance with the Personnel Act as
7 necessary to support the board. The office shall draft and
8 propose rules to the board to carry out the duties of the board
9 and the office. Approved rules shall be adopted and
10 promulgated in accordance with the State Rules Act."

11 SECTION 7. That version of Section 29-7-5 NMSA 1978
12 (being Laws 1969, Chapter 264, Section 7, as amended) that is
13 effective July 1, 2023 is amended to read:

14 "29-7-5. POWERS AND DUTIES OF ~~[THE]~~ ACADEMY
15 DIRECTOR.--The director shall be appointed by and under the
16 supervision and direction of the secretary of public safety.
17 The provisions of the Executive Reorganization Act
18 notwithstanding, the director shall be appointed without regard
19 to political party affiliation and only on the ground of
20 fitness to perform the duties of the office. The director does
21 not serve at the pleasure of the governor or secretary, but may
22 be removed only as provided in Section 29-7-5.1 NMSA 1978. The
23 director shall:
24 A. be qualified for the position by education and
25 experience, including having:

.223327.1

underscored material = new
[bracketed material] = delete

- 1 (1) a bachelor's or higher degree;
2 (2) certification as a law enforcement
3 officer; and
4 (3) at least five years' experience as a law
5 enforcement officer and, preferably, experience as a law
6 enforcement trainer or law enforcement administrator;

7 ~~[A.]~~ B. be the chief executive officer of the
8 academy and employ certified law enforcement training
9 instructors and other necessary personnel;

10 ~~[B.—issue]~~ C. recommend to the board that a
11 certificate of completion be granted to ~~[any person]~~ a
12 candidate who:

13 (1) graduates from an approved basic law
14 enforcement training program and who satisfies the
15 qualifications for certification as set forth in Section 29-7-6
16 NMSA 1978; or

17 (2) graduates from an approved basic
18 telecommunicator training program and who satisfies the
19 qualifications for certification as set forth in the Public
20 Safety Telecommunicator Training Act;

21 ~~[G.]~~ D. perform all other acts necessary and
22 appropriate to the carrying out of the director's duties or at
23 the request of the council or the secretary;

24 ~~[D.]~~ E. implement the training standards, curricula
25 and other requirements developed and adopted by the council;

.223327.1

underscored material = new
[bracketed material] = delete

1 and

2 ~~[E.]~~ F. annually evaluate the courses of
3 instruction being offered by the academy and ~~[make necessary]~~
4 recommend to the council modifications and adjustments to the
5 programs."

6 SECTION 8. Section 29-7-7.1 NMSA 1978 (being Laws 1981,
7 Chapter 114, Section 7, as amended) is amended to read:

8 "29-7-7.1. IN-SERVICE LAW ENFORCEMENT TRAINING--
9 REQUIREMENTS--ELIGIBILITY--PENALTIES FOR FAILURE TO COMPLETE OR
10 REPORT REQUIREMENTS.--

11 A. To maintain certification as a police officer,
12 in-service law enforcement training is required. In-service
13 training consists of [at least] a minimum of forty hours of
14 academic instruction approved by the board for each certified
15 police officer during each twenty-four month period of
16 employment or service with a [political subdivision] state or
17 local law enforcement agency. The first required in-service
18 training [course] period shall commence no later than twelve
19 months after graduation from an approved basic law enforcement
20 training program.

21 B. ~~[All certified police officers who are eligible~~
22 ~~for in-service training shall, during each twenty-four month~~
23 ~~period of employment, complete a minimum of forty hours of in-~~
24 ~~service law enforcement training in courses approved by the~~
25 ~~board. All] Each certified police ~~[officers]~~ officer shall~~

.223327.1

underscored material = new
[bracketed material] = delete

1 provide proof of completing in-service law enforcement training
2 requirements to the officer's law enforcement agency and the
3 director no later than March 1 of the year in which the
4 requirements must be met. The director shall provide annual
5 notice to all certified police officers regarding in-service
6 law enforcement training requirements and available courses
7 with their offer dates. Failure to complete in-service law
8 enforcement training requirements [~~may~~] or failure to report
9 completion to the board shall be grounds for suspension of a
10 certified police officer's certification and may result in the
11 state withholding from the law enforcement agency's law
12 enforcement protection fund distribution. A police officer's
13 certification may be reinstated by the board when the police
14 officer presents the board with evidence of satisfying in-
15 service law enforcement training requirements.

16 C. The academy shall audit in-service training
17 compliance and report its findings to the board."

18 **SECTION 9.** That version of Section 29-7-7.2 NMSA 1978
19 (being Laws 1981, Chapter 144, Section 8, as amended) that is
20 effective July 1, 2023 is amended to read:

21 "29-7-7.2. REPORTS.--

22 A. Every law enforcement agency that employs or
23 contracts with police officers that are required to be
24 certified by the state shall report on a schedule required by
25 the academy and on electronic forms provided by the academy

.223327.1

underscored material = new
[bracketed material] = delete

1 that are compatible with the academy information system or
2 other system that may be adopted by the department of public
3 safety and shall be complete and certified by the police chief,
4 sheriff or other head of a law enforcement agency. Each law
5 enforcement agency's reports shall include specific information
6 on each police officer's status as to:

7 (1) employment, including date of employment,
8 rank, promotions, disciplinary actions and demotions and the
9 date and general reason for separation from the agency, if
10 applicable;

11 (2) disciplinary actions, demotions and
12 suspensions of duty and the reasons for the disciplinary
13 actions and demotions or suspensions; and

14 (3) required in-service training, including
15 specific courses and hours completed.

16 B. Every law enforcement agency within the state
17 shall ~~[submit quarterly a report to the director and the board~~
18 ~~on the status of each police officer employed by the law~~
19 ~~enforcement agency. The reports shall include the status of~~
20 ~~in-service law enforcement training]~~ notify the board within
21 thirty days when a police officer is employed by the law
22 enforcement agency or leaves employment with that agency.

23 C. The board may require law enforcement agencies
24 to report on other law enforcement personnel who are not police
25 officers but who are required to have in-service law

.223327.1

underscored material = new
[bracketed material] = delete

1 enforcement training.

2 D. The reporting forms and submittal dates shall be
3 prescribed by the board.

4 E. Failure of a police officer to provide proof of
5 having met in-service law enforcement training or failure of a
6 law enforcement agency to submit reports or to timely notify
7 the board of changes in employment status of police officers
8 may result in the state withholding the agency's law
9 enforcement protection fund distribution."

10 **SECTION 10.** That version of Section 29-7C-4 NMSA 1978
11 (being Laws 2003, Chapter 320, Section 6, as amended) that is
12 effective July 1, 2023 is amended to read:

13 "29-7C-4. ~~[BASIC]~~ TELECOMMUNICATOR TRAINING PROGRAM.--

14 A. The council shall:

15 (1) after consultation with the board, adopt
16 by rule professional standards that describe the skills,
17 knowledge and behaviors that characterize exemplary practice
18 and professional growth of telecommunicators in New Mexico and
19 training standards that implement the professional standards;
20 and

21 (2) develop and adopt a ~~[basic]~~
22 telecommunicator training program for telecommunicator
23 certification. The program shall be ~~[constructed to]~~ evidence-
24 and performance-based and shall meet national standards and the
25 ~~[minimum basic]~~ needs of telecommunicators ~~[in New Mexico]~~ at

.223327.1

underscored material = new
[bracketed material] = delete

1 each level of certification.

2 B. Until new evidence- and standards-based training
3 programs are adopted and promulgated, the New Mexico law
4 enforcement academy shall certify telecommunicators after
5 successful completion of the training programs then in effect.
6 During the process of updating the telecommunicator training
7 system, the council and the academy shall provide periodic
8 reports to the legislature and shall make a final report,
9 including recommendations for funding and statutory changes, to
10 the governor and the legislature."

11 SECTION 11. Section 29-7C-7 NMSA 1978 (being Laws 2003,
12 Chapter 320, Section 9, as amended) is amended to read:

13 "29-7C-7. IN-SERVICE TELECOMMUNICATOR TRAINING.--

14 A. In-service telecommunicator training consists of
15 at least twenty hours of board-approved advanced training,
16 including one hour of crisis management, including crisis
17 intervention, confrontation de-escalation practicum and proper
18 interaction with persons with mental impairments training, for
19 each certified telecommunicator during each two-year period.
20 The first training course shall commence no later than twelve
21 months after graduation from a board-approved basic
22 telecommunicator training program.

23 B. A certified telecommunicator shall provide proof
24 of completion of in-service training requirements to the
25 director no later than March 1 of the year subsequent to the

.223327.1

underscored material = new
[bracketed material] = delete

1 year in which the requirements are met. The director shall
2 provide annual notice to all certified telecommunicators
3 regarding in-service training requirements. Failure to
4 complete in-service training requirements may be grounds for
5 suspension of a telecommunicator's certification at the
6 [~~director's~~] board's discretion as provided in Section 29-7-4.3
7 NMSA 1978. A telecommunicator may be reinstated [~~at the~~
8 ~~discretion of the director~~] by the board when the
9 telecommunicator presents to the [~~director~~] board evidence the
10 telecommunicator has satisfied the in-service training
11 requirements.

12 C. As used in this section, "mental impairment"
13 includes a mental illness, developmental disability,
14 posttraumatic stress disorder, dual diagnosis, autism, youth in
15 crisis and traumatic brain injury."

16 SECTION 12. Section 29-7C-9 NMSA 1978 (being Laws 2003,
17 Chapter 320, Section 11) is amended to read:

18 "29-7C-9. REFUSAL, SUSPENSION OR REVOCATION OF
19 CERTIFICATION.--

20 A. The board [~~shall~~] may refuse to issue or [~~shall~~]
21 may suspend or revoke a telecommunicator's certification, after
22 consultation with [~~his~~] the telecommunicator's employing safety
23 agency, if the board determines that a person has:

24 (1) failed to satisfy the qualifications for
25 certification set forth in Section 29-7A-3 NMSA 1978;

.223327.1

underscored material = new
[bracketed material] = delete

1 (2) committed acts that constitute dishonesty
2 or fraud;

3 (3) been convicted of, pled guilty to or
4 entered a plea of nolo contendere to a:

5 (a) felony charge; or

6 (b) violation of a federal or state law,
7 a local ordinance relating to aggravated assault or theft or a
8 law involving moral turpitude; or

9 (4) knowingly made a false statement on [~~his~~]
10 the application.

11 B. The board shall [~~develop, adopt and~~] promulgate
12 rules that specify the administrative procedures for suspension
13 or revocation of a telecommunicator's certification that
14 include:

15 (1) notice and opportunity for the affected
16 telecommunicator to be heard; and

17 (2) procedures for judicial review of the
18 board's final administrative decision as provided in Section
19 39-3-1.1 NMSA 1978."

20 SECTION 13. Section 29-13-6 NMSA 1978 (being Laws 1983,
21 Chapter 289, Section 6, as amended) is amended to read:

22 "29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION
23 FUND.--

24 A. Based on a periodic allotment approved by the
25 division for the current fiscal year, the state treasurer shall

.223327.1

underscoring material = new
~~[bracketed material] = delete~~

1 distribute from the fund the amounts certified by the division
2 to be distributed to governmental entities and the peace
3 officers', New Mexico mounted patrol members' and reserve
4 police officers' survivors fund as required in Section 29-13-4
5 NMSA 1978. Payments shall be made by the treasurer to the
6 appropriate governmental entity or fund unless otherwise
7 specified in Subsection C of this section.

8 B. The state treasurer is authorized to redirect a
9 distribution to the New Mexico finance authority in an amount
10 certified by the division, pursuant to an ordinance or a
11 resolution passed by the municipality or county and a written
12 agreement of the municipality or county and the New Mexico
13 finance authority.

14 C. Based on a periodic allotment approved by the
15 division for the current fiscal year, the state treasurer shall
16 distribute from the money in the fund money certified by the
17 division to be distributed to tribes. Payment shall be made to
18 the chief financial officer of the tribe. If necessary, the
19 fund may be decreased below the level of one hundred thousand
20 dollars (\$100,000) to enable payment to the tribes. If
21 insufficient money remains in the fund to fully compensate the
22 tribes, a report shall be made to the Indian affairs department
23 and to an appropriate interim committee of the legislature that
24 reviews issues having impact on tribes by September 1 of the
25 year of the shortfall.

.223327.1

underscored material = new
[bracketed material] = delete

1 D. The academy may notify the division and the
2 state treasurer to withhold the distribution to any
3 governmental entity that has failed to submit required reports
4 to the academy as provided in Section 29-7-7.2 NMSA 1978 or
5 that employs or contracts with police officers who have failed
6 to submit proof of completion of required in-service training
7 as required in Section 29-7-7.1 NMSA 1978."

8 SECTION 14. TEMPORARY PROVISIONS--RULES OF NEW MEXICO LAW
9 ENFORCEMENT ACADEMY BOARD--RULES OF NEW MEXICO LAW ENFORCEMENT
10 STANDARDS AND TRAINING COUNCIL OR LAW ENFORCEMENT CERTIFICATION
11 BOARD.--The rules of the New Mexico law enforcement academy
12 board shall continue in effect until amended or repealed by the
13 New Mexico law enforcement standards and training council or
14 the law enforcement certification board, as applicable.

15 SECTION 15. APPROPRIATIONS.--

16 A. The following amounts are appropriated from the
17 general fund to the New Mexico law enforcement academy of the
18 department of public safety for expenditure in the specified
19 fiscal years for the following purposes, and money remaining
20 from an appropriation at the end of the specified expenditure
21 period shall revert to the general fund:

22 (1) two million two hundred fifty thousand
23 dollars (\$2,250,000) is appropriated for expenditure in fiscal
24 years 2024 through 2026 to contract with law enforcement
25 curriculum design and evaluation experts to update and

.223327.1

underscored material = new
~~[bracketed material] = delete~~

1 modernize the New Mexico law enforcement academy's training
2 programs and to purchase relevant curricula and instructional
3 materials; and

4 (2) seven hundred fifty thousand dollars
5 (\$750,000) is appropriated for expenditure in fiscal years 2024
6 through 2026 to contract with public safety telecommunicator
7 curriculum design and evaluation experts to update and
8 modernize the New Mexico law enforcement academy's training
9 programs and to purchase relevant curricula and instructional
10 materials.

11 B. Four hundred twenty-five thousand dollars
12 (\$425,000) is appropriated from the general fund to the New
13 Mexico law enforcement academy of the department of public
14 safety for expenditure in fiscal year 2024 for salary and
15 benefits, equipment, supplies and other costs associated with
16 employing one training and development specialist supervisor,
17 two training and development specialists and one law
18 enforcement instructor. Any unexpended or unencumbered balance
19 remaining at the end of fiscal year 2024 shall revert to the
20 general fund.

21 C. Four hundred seventy-five thousand dollars
22 (\$475,000) is appropriated from the general fund to the law
23 enforcement certification board for expenditure in fiscal year
24 2024 for salary and benefits, equipment, supplies and other
25 costs associated with employing one director, one investigator,

.223327.1

underscored material = new
~~[bracketed material] = delete~~

1 one attorney and one paralegal for certification enforcement
2 and clerical staff. Any unexpended or unencumbered balance
3 remaining at the end of fiscal year 2024 shall revert to the
4 general fund.

5 SECTION 16. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2023.