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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LAW ENFORCEMENT TRAINING; REMOVING REQUIREMENTS FOR
LAW ENFORCEMENT IN-SERVICE TRAINING.

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

SECTION 1. Section 29-7-4.1 NMSA 1978 (being Laws 2002,
Chapter 34, Section 3 and Laws 2002, Chapter 35, Section 3, as
amended) is amended to read:

"29-7-4.1. DOMESTIC ABUSE INCIDENT TRAINING.--Domestic
abuse incident training that includes information on
strangulation shall be included in the curriculum of each basic
law enforcement training class. [~~Domestic abuse incident
training shall be included as a component of in-service
training each year for certified police officers.~~]"

SECTION 2. Section 29-7-4.2 NMSA 1978 (being Laws 2011,
Chapter 49, Section 1) is amended to read:

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1 "29-7-4.2. CHILD ABUSE INCIDENT TRAINING.--Child abuse
2 incident training shall be included in the curriculum of each
3 basic law enforcement training class. [~~Child abuse incident
4 training shall be included as a component of in-service
5 training each year for certified police officers.~~]"

6 SECTION 3. Section 29-7-7.3 NMSA 1978 (being Laws 2007,
7 Chapter 89, Section 1) is amended to read:

8 "29-7-7.3. ENSURING CHILD SAFETY UPON ARREST--TRAINING.--
9 Training for ensuring child safety upon the arrest of a parent
10 or guardian shall be included in the curriculum of each basic
11 law enforcement training class [~~and as a component of in-
12 service training each year~~] for certified police officers."

13 SECTION 4. Section 29-7-7.4 NMSA 1978 (being Laws 2010,
14 Chapter 33, Section 1) is amended to read:

15 "29-7-7.4. MISSING PERSON AND AMBER ALERT TRAINING.--A
16 minimum of four hours of combined missing person and AMBER
17 alert training shall be included in the curriculum of each
18 basic law enforcement training class. [~~Missing person and AMBER
19 alert training shall be included as a component of in-service
20 training each year for certified police officers.~~]"

21 SECTION 5. Section 29-7-7.5 NMSA 1978 (being Laws 2011,
22 Chapter 180, Section 1) is amended to read:

23 "29-7-7.5. INTERACTION WITH PERSONS WITH MENTAL
24 IMPAIRMENTS--TRAINING.--

25 A. A minimum of forty hours of crisis management,

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1 including crisis intervention, confrontation de-escalation
2 practicum and proper interaction with persons with mental
3 impairments training, shall be included in the curriculum of
4 each basic law enforcement training class.

5 ~~[B. A minimum of two hours of crisis management,~~
6 ~~including crisis intervention, confrontation de-escalation~~
7 ~~practicum and proper interaction with persons with mental~~
8 ~~impairments training, shall be included as a component of in-~~
9 ~~service law enforcement training pursuant to Section 29-7-7.1~~
10 ~~NMSA 1978.~~

11 ~~G.]~~ B. A pre-recorded course on crisis management,
12 including crisis intervention, confrontation de-escalation
13 practicum and proper interaction with persons with mental
14 impairments training, shall not satisfy the requirements of the
15 basic law enforcement training class required pursuant to
16 Subsection A of this section.

17 ~~[D.]~~ C. As used in this section, "mental
18 impairment" includes a mental illness, developmental
19 disability, posttraumatic stress disorder, dual diagnosis,
20 autism, youth in crisis and traumatic brain injury."

21 **SECTION 6.** Section 29-7-7.7 NMSA 1978 (being Laws 2017,
22 Chapter 35, Section 1) is amended to read:

23 "29-7-7.7. **TOURNIQUET AND TRAUMA KIT TRAINING AND**
24 **DISTRIBUTION.--**

25 A. Tourniquet and trauma kit training shall be

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1 included in the curriculum of each basic law enforcement
2 training class ~~[and as a component of in-service law~~
3 ~~enforcement training each year]~~ for certified police officers.

4 The academy, in coordination with certified regional law
5 enforcement training facilities, shall provide a tourniquet and
6 trauma kit to each cadet who graduates from the academy or from
7 a certified regional law enforcement training facility and to
8 each previously certified police officer who attends a
9 certification-by-waiver course.

10 B. The academy shall provide hands-on tourniquet
11 and trauma kit training to all officers using tourniquet and
12 trauma kit equipment designed for training purposes. The
13 training shall be designed in a manner that will safely
14 replicate field conditions without the risk of injury in order
15 for officers to develop the necessary skills to use tourniquets
16 and trauma kits. In order to supplement the hands-on training,
17 the academy may produce a training video on the proper use of
18 tourniquets and trauma kits for use in the academy and
19 certified regional law enforcement training facilities.

20 C. The academy, in coordination with certified
21 regional law enforcement training facilities, shall distribute
22 a tourniquet and trauma kit to each police officer who has been
23 certified pursuant to the Law Enforcement Training Act."

24 SECTION 7. Section 29-11-5 NMSA 1978 (being Laws 1978,
25 Chapter 27, Section 5, as amended) is amended to read:

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1 "29-11-5. SEXUAL CRIMES PROSECUTION AND TREATMENT
2 PROGRAM.--

3 A. The administrator shall develop, with the
4 cooperation of the [~~criminal justice~~] corrections department,
5 the New Mexico state police, the New Mexico law enforcement
6 academy, other authorized law enforcement agencies and existing
7 community-based victim treatment programs, a statewide
8 comprehensive plan to train law enforcement officers and
9 criminal justice and medical personnel in the ability to deal
10 with sexual crimes; to develop strategies for prevention of
11 such crimes; to provide assistance in the assembly of evidence
12 for the facilitation of prosecution of such crimes; and to
13 provide medical and psychological treatment to victims of such
14 crimes. This plan shall include, but not be limited to:

15 (1) education and training of law enforcement
16 officers and criminal justice and medical personnel;

17 (2) collection, processing and analysis of
18 evidence [~~which~~] that facilitates prosecution of suspects of
19 sexual crimes; and

20 (3) medical and psychological treatment of
21 victims of such crimes.

22 B. The comprehensive plan shall be implemented
23 throughout the state, and the administrator may contract with
24 appropriate persons, entities, agencies or community-based
25 programs to provide the services to be rendered pursuant to

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1 Subsection A of this section and may pay a reasonable fee for
2 [~~such~~] the services.

3 C. Nothing in this section shall be construed to
4 require criminal prosecution of a suspect of a sexual crime by
5 the victim to whom services are rendered pursuant to the
6 provisions of the Sexual Crimes Prosecution and Treatment Act.

7 D. Training for law enforcement officers in the
8 proper treatment of victims of sexual crimes and collection of
9 evidence and coordination among agencies shall be incorporated
10 in the regular training program for recruits by the New Mexico
11 state police and the basic course taught by the New Mexico law
12 enforcement academy or by other authorized law enforcement
13 agencies. [~~Already commissioned officers and sex-crime~~
14 ~~investigators shall receive advanced training through in-~~
15 ~~service programs.]"~~

16 SECTION 8. Section 29-20-3 NMSA 1978 (being Laws 2003,
17 Chapter 260, Section 3) is amended to read:

18 "29-20-3. POLICE TRAINING.--

19 A. No later than December 31, 2004, the New Mexico
20 law enforcement academy board shall develop and incorporate
21 into the basic law enforcement training required pursuant to
22 the Law Enforcement Training Act a course of instruction of at
23 least sixteen hours concerning the safe initiation and conduct
24 of high speed pursuits.

25 B. The course of instruction shall emphasize the

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1 importance of protecting the public at all times and the need
2 to balance the known offense and risk posed by a fleeing
3 suspect against the danger to law enforcement officers and
4 other people by initiating a high speed pursuit.

5 C. The course of instruction shall include adequate
6 consideration of each of the following subjects:

7 (1) when to initiate a high speed pursuit;

8 (2) when to terminate a high speed pursuit;

9 (3) evaluating risks due to conditions of the
10 vehicle, driver, roadway, weather and traffic during a high
11 speed pursuit;

12 (4) evaluating dangers to uninvolved motorists
13 and bystanders during a high speed pursuit;

14 (5) the number of law enforcement units
15 permitted to participate in the high speed pursuit;

16 (6) the responsibilities of primary, secondary
17 and supervisory law enforcement units during a high speed
18 pursuit;

19 (7) proper communication and coordination
20 procedures when a high speed pursuit enters another law
21 enforcement agency's jurisdiction, including a tribal
22 jurisdiction;

23 (8) driving tactics during a high speed
24 pursuit;

25 (9) communications during a high speed

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1 pursuit;

2 (10) capture of suspects following a high
3 speed pursuit;

4 (11) supervisory responsibilities during a
5 high speed pursuit;

6 (12) use of blocking, ramming, boxing and
7 roadblocks as high speed pursuit tactics;

8 (13) use of alternative methods and
9 technologies for apprehending suspects during a high speed
10 pursuit; and

11 (14) preparing a report and evaluation and
12 analysis of a high speed pursuit after it has concluded.

13 D. The New Mexico law enforcement academy board
14 shall develop the program of instruction, learning and
15 performance objectives and standards for training in
16 conjunction with appropriate groups and individuals that have
17 an interest in and expertise regarding high speed pursuits,
18 including law enforcement agencies, law enforcement academy
19 instructors, experts on the subject and members of the public.

20 ~~[E. In-service law enforcement training, as~~
21 ~~required pursuant to Section 29-7-7.1 NMSA 1978, shall include~~
22 ~~at least four hours of instruction that conform with the~~
23 ~~requirements set forth in Subsection C of this section.~~

24 ~~F.]~~ E. Each certified regional law enforcement
25 training facility shall incorporate into its basic law

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1 enforcement training [~~and in-service law enforcement training~~]
2 a course of training in the safe initiation and conduct of high
3 speed pursuits that is comparable to or exceeds the standards
4 of the course of instruction developed by the New Mexico law
5 enforcement academy board."

6 SECTION 9. Section 29-21-3 NMSA 1978 (being Laws 2009,
7 Chapter 177, Section 3) is amended to read:

8 "29-21-3. POLICIES AND PROCEDURES--REQUIRED.--

9 A. A law enforcement agency shall [~~(1)~~] maintain
10 written policies and procedures designed to eliminate practices
11 by its law enforcement officers that violate the provisions of
12 Section [~~2 of the Prohibition of Profiling Practices Act; and~~

13 ~~(2) provide training to its law enforcement~~
14 ~~officers, during orientation and at least once every two years,~~
15 ~~that the law enforcement agency determines will assist its law~~
16 ~~enforcement officers in adhering to the applicable provisions~~
17 ~~of the Prohibition of Profiling Practices Act and to the law~~
18 ~~enforcement agency's policies and procedures] 29-21-2 NMSA
19 1978.~~

20 B. As part of a law enforcement agency's
21 administrative complaint procedures, the law enforcement agency
22 shall, at a minimum:

23 (1) investigate a complaint alleging its law
24 enforcement officer violated the provisions of Section [~~2 of~~
25 ~~the Prohibition of Profiling Practices Act~~] 29-21-2 NMSA 1978;

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1 (2) take appropriate measures to discipline a
2 law enforcement officer, including facilitating mediation or
3 other restorative justice measures, when it is determined that
4 the law enforcement officer violated the provisions of Section
5 [~~2 of the Prohibition of Profiling Practices Act~~] 29-21-2 NMSA
6 1978;

7 (3) provide appropriate forms for submitting
8 the complaint against its law enforcement officer;

9 (4) publish the policies and procedures
10 designed to eliminate practices that violate the provisions of
11 Section [~~2 of the Prohibition of Profiling Practices Act~~]
12 29-21-2 NMSA 1978; and

13 (5) submit a redacted copy of the complaint
14 and the disposition to the attorney general, which shall
15 disclose the nature and disposition of the complaint but shall
16 not disclose personal identifying information of a law
17 enforcement officer or complainant.

18 C. A law enforcement agency shall establish a time
19 frame within which a complaint alleging a violation of the
20 provisions of Section [~~2 of the Prohibition of Profiling~~
21 ~~Practices Act~~] 29-21-2 NMSA 1978 may be made; provided that in
22 no event shall the time frame be less than ninety days or
23 exceed one hundred eighty days after the commission of the
24 alleged violation of the provisions of Section 2 of the
25 Prohibition of Profiling Practices Act. A law enforcement

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1 agency shall allow a complaint alleging a violation of the
2 provisions of Section [~~2 of the Prohibition of Profiling~~
3 ~~Practices Act]~~ 29-21-2 NMSA 1978 by its law enforcement officer
4 to be made:

5 (1) in person or in writing sent by mail,
6 facsimile or electronic mail and signed by the complainant; or

7 (2) by telephone, anonymously or by a third
8 party; provided that the law enforcement agency shall determine
9 the complaint to be valid before taking appropriate measures
10 pursuant to Paragraph (2) of Subsection B of this section and
11 shall comply with the provisions of Section 29-14-4 NMSA 1978."

12 SECTION 10. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2019.