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SENATE BILL 310

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING RESERVE LAW ENFORCEMENT OFFICERS CERTIFIED BY THE NEW MEXICO LAW ENFORCEMENT ACADEMY WITH AUTHORITY TO MAKE ARRESTS FOR CERTAIN OFFENSES RELATED TO MOTOR VEHICLES; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 66-8-124 NMSA 1978 (being Laws 1961, Chapter 213, Section 3, as amended) is amended to read:

"66-8-124. ARRESTING OFFICER TO BE IN UNIFORM --

A. ~~[No]~~ A person shall not be arrested for violating the Motor Vehicle Code or any other law relating to motor vehicles ~~[punishable as]~~ that is a misdemeanor offense, except by a commissioned, salaried peace officer or a reserve law enforcement officer who is certified by the New Mexico law enforcement academy who, at the time of arrest, is wearing a

underscored material = new
[bracketed material] = delete

underscoring material = new
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1 uniform clearly indicating his official status.

2 B. Notwithstanding the provisions of Subsection A
3 of this section, a municipality may provide by ordinance that
4 uniformed private security guards may be commissioned by the
5 local police agency to issue parking citations for violations
6 of clearly and properly marked fire zones and handicapped
7 zones. Prior to the commissioning of any security guard, the
8 employer of the security guard shall agree in writing with the
9 local police agency to ~~[said]~~ the commissioning of the
10 employer's security guard. The employer of ~~[any]~~ a security
11 guard commissioned ~~[under]~~ pursuant to the provisions of this
12 section shall be liable for the actions of that security guard
13 in carrying out his duties pursuant to that commission.
14 Notwithstanding the provisions of the Tort Claims Act, private
15 security guards commissioned ~~[under]~~ pursuant to this section
16 shall not be deemed public employees ~~[under]~~ pursuant to that
17 act. "

18 Section 2. EFFECTIVE DATE. --The effective date of the
19 provisions of this act is July 1, 2003.