

1 AN ACT

2 RELATING TO STATE POLICE; PROVIDING NEW DISCIPLINARY AND  
3 APPEAL PROCEEDINGS FOR NEW MEXICO STATE POLICE OFFICERS;  
4 ELIMINATING THE REVIEW AND APPEAL PROCESS FOR OFFICERS  
5 SUSPENDED FOR NOT MORE THAN THIRTY DAYS; REQUIRING WRITTEN  
6 NOTIFICATION OF DISCIPLINARY ACTION BY THE SECRETARY OF  
7 PUBLIC SAFETY TO OFFICERS REMOVED, DEMOTED OR SUSPENDED FOR A  
8 PERIOD EXCEEDING THIRTY DAYS; DECLARING AN EMERGENCY.

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 Section 1. Section 29-2-11 NMSA 1978 (being Laws 1941,  
12 Chapter 147, Section 11, as amended) is amended to read:

13 "29-2-11. DISCIPLINARY PROCEEDINGS--APPEAL.--

14 A. A New Mexico state police officer holding a  
15 permanent commission shall not be removed from office,  
16 demoted or suspended except for incompetence, neglect of  
17 duty, violation of a published rule of conduct, malfeasance  
18 in office or conduct unbecoming an officer, except as  
19 provided in this section. A probationary officer not holding  
20 a permanent commission may be removed from office, demoted or  
21 suspended in accordance with New Mexico state police rules.

22 B. The secretary may suspend an officer for  
23 disciplinary reasons for not more than thirty days in  
24 accordance with New Mexico state police rules without further  
25 review or appeal.

1           C. In the event an officer is removed from office,  
2 demoted or suspended for a period of more than thirty days,  
3 the secretary shall provide written notification of the  
4 grounds supporting the action to the officer. The officer  
5 may appeal the secretary's action to the commission within  
6 thirty days of the date of receipt of the secretary's written  
7 notification. The appeal process shall be public and  
8 conducted in accordance with New Mexico state police rules.

9           D. In the event the commission finds that there is  
10 just cause for the removal, demotion or suspension of the  
11 officer for a period in excess of thirty days, the officer  
12 may appeal the decision of the commission to the district  
13 court pursuant to the provisions of Section 39-3-1.1 NMSA  
14 1978."

15           Section 2. EMERGENCY.--It is necessary for the public  
16 peace, health and safety that this act take effect  
17 immediately. \_\_\_\_\_