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HOUSE BILL 17

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Nathan P. Cote and Mary Jane M. Garcia

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT; PROHIBITING DOMESTIC VIOLENCE
OFFENDERS FROM BECOMING LAW ENFORCEMENT OFFICERS WITHIN THREE
YEARS OF A VIOLATION; PROVIDING THAT A LAW ENFORCEMENT OFFICER
MAY LOSE CERTIFICATION FOR COMMITTING A DOMESTIC VIOLENCE
OFFENSE.

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

Section 1. Section 29-7-6 NMSA 1978 (being Laws 1993,
Chapter 255, Section 6) is amended to read:

"29-7-6. QUALIFICATIONS FOR CERTIFICATION.--

A. An applicant for certification shall provide
evidence satisfactory to the board that ~~[he]~~ the applicant:

(1) is a citizen of the United States and has
reached the age of majority;

(2) holds a high school diploma or the

underscored material = new
[bracketed material] = delete

1 equivalent;

2 (3) holds a valid driver's license;

3 (4) has not been convicted of or pled guilty
4 to or entered a plea of nolo contendere to any felony charge
5 or, within the three-year period immediately preceding [~~his~~]
6 the application, to any violation of any federal or state law
7 or local ordinance relating to aggravated assault, theft,
8 driving while intoxicated, controlled substances, domestic
9 violence or other crime involving moral turpitude and has not
10 been released or discharged under dishonorable conditions from
11 any of the armed forces of the United States;

12 (5) after examination by a licensed physician,
13 is free of any physical condition that might adversely affect
14 [~~his~~] the applicant's performance as a police officer or
15 prohibit [~~him~~] the applicant from successfully completing a
16 prescribed basic law enforcement training required by the Law
17 Enforcement Training Act;

18 (6) after examination by a certified
19 psychologist, is free of any emotional or mental condition that
20 might adversely affect [~~his~~] performance as a police officer or
21 prohibit [~~him~~] the applicant from successfully completing a
22 prescribed basic law enforcement training required by the Law
23 Enforcement Training Act;

24 (7) is of good moral character;

25 (8) has met any other requirements for

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underscoring material = new
[bracketed material] = delete

1 certification prescribed by the board pursuant to regulations
2 adopted by the board; and

3 (9) has previously been awarded a certificate
4 of completion by the director attesting to the applicant's
5 completion of an approved law enforcement training program.

6 B. A person employed as a police officer by any law
7 enforcement agency in this state shall forfeit [~~his~~] the
8 person's position unless, no later than twelve months after
9 beginning [~~his~~] employment as a police officer, the person
10 satisfies the qualifications for certification set forth in
11 Subsection A of this section and is awarded a certificate
12 attesting to that fact.

13 C. As used in this section, "domestic violence"
14 means a violation of the Crimes Against Household Members Act
15 or Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents
16 in any other jurisdiction."

17 Section 2. Section 29-7-13 NMSA 1978 (being Laws 1993,
18 Chapter 255, Section 10) is amended to read:

19 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF
20 CERTIFICATION.--

21 A. After consultation with the employing agency,
22 the board may refuse to issue or may suspend or revoke a police
23 officer's certification when the board determines that a person
24 has:

25 (1) failed to satisfy the qualifications for

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underscored material = new
[bracketed material] = delete

1 certification, set forth in Section 29-7-6 NMSA 1978;

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

4 (3) been convicted of, pled guilty to or
5 entered a plea of no contest to:

6 (a) any felony charge; or

7 (b) any violation of federal or state
8 law or a local ordinance relating to aggravated assault, theft,
9 driving while under the influence of intoxicating liquor or
10 drugs, controlled substances, domestic violence or any law or
11 ordinance involving moral turpitude; or

12 (4) knowingly made any false statement in
13 [~~his~~] the application for certification.

14 B. The board shall develop, adopt and promulgate
15 administrative procedures for suspension or revocation of a
16 police officer's certification that include notice and an
17 opportunity for the affected police officer to be heard, as
18 well as procedures for review of the board's decision.

19 C. As used in this section, "domestic violence"
20 means a violation of the Crimes Against Household Members Act
21 or Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents
22 in any other jurisdiction."

23 Section 3. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2010.