

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 267a

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .183543.1

**Short Title:** Law Enforcement Contracts with Colleges

**Sponsor(s):** Senator Steven P. Neville

**Analyst:** Ally Hudson

**Date:** March 23, 2011

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**AS AMENDED**

**The House Education Committee amendments:**

- **clarify that campus security personnel at the postsecondary educational institution are authorized to issue citations for violations of non-moving traffic regulations;**
- **specify that campus security personnel will not be given arrest powers; and**
- **require that, when a traffic citation is issued by a campus security officer, the officer must be wearing a distinctive badge and uniform issued to the officer by the postsecondary educational institution.**

**Original Bill Summary:**

In brief, SB 267 amends two sections of current law relating to law enforcement and municipal courts to provide that a postsecondary educational institution may enter into a written agreement with a municipality for enforcement of campus parking and traffic regulations.

Among its other provisions, SB 267:

- defines *postsecondary education institution* to mean a community college operating pursuant to the *Community College Act* or a technical and vocational institute operating pursuant to the *Technical and Vocational Institute Act* that does not have campus police officers;
- allows the governing board of a postsecondary institution to adopt and promulgate traffic regulations to apply to areas within the exterior boundaries of the lands under the control of the board including streets and highways;
- clarifies that all areas subject to traffic regulations shall be marked with signs conforming with standards used by the Department of Transportation;
- specifies that traffic regulations adopted by a postsecondary institution shall include a specific penalty for each type of violation that shall not exceed the penalty for the same violation under state or municipal ordinance;

- requires that the written agreement between a postsecondary institution and a municipality include certain components;
- states that a municipality enforcing campus traffic regulations may authorize campus security personnel to issue citations for violations of campus traffic regulations, as provided in the written agreements;
- explains that, in the absence of a written agreement with a municipality, campus security personnel may enforce traffic regulations but the punishment shall not be more than \$5.00 per violation, and all fines collected shall be remitted to the institution and shall be used solely for the purposes of enforcing campus traffic regulations;
- allows a postsecondary institution to withhold grades and degrees in order to secure payment of unpaid traffic or parking assessments; and
- clarifies that the municipal court has jurisdiction over violations of campus traffic regulations adopted pursuant to this legislation.

To conclude, SB 267 establishes an effective date of July 1, 2011.

**Fiscal Impact:**

SB 267 does not contain an appropriation.

**Substantive Issues:**

An analysis by the New Mexico State Police indicates that SB 267 “has the potential to create more proactive traffic enforcement efforts within areas routinely viewed as secondary response areas by local law enforcement due to manpower shortages.”

According to an analysis by the Attorney General’s Office, “it should be noted that since a municipality and a postsecondary institution may be sharing a common power, a joint powers agreement may be necessary.”

Finally, an analysis by the Administrative Office of the Courts states that:

- new laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase; and
- the bill has the potential to increase expenses for municipalities, but also provides a revenue stream if they accept additional responsibilities under an agreement.

**Related Bills:**

None as of February 16, 2011.