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## FISCAL IMPACT REPORT

**SPONSOR** Neville **ORIGINAL DATE** 02/06/11 **LAST UPDATED** 03/13/11 **HB** \_\_\_\_\_

**SHORT TITLE** Law Enforcement Contracts With Colleges **SB** 267/aHEC

**ANALYST** Aguilar and Haug

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	See Fiscal Implications			

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Department of Public Safety (DPS)

New Mexico State University (NMSU)

### SUMMARY

#### Synopsis of HEC Amendment

The House Education Amendment to Senate Bill 267 specifies that campus security personnel commissioned by a municipality to issue citations for violations may do so only for non-moving violations and that such personnel shall not be given arrest powers. Related language is conformed to this change.

#### Synopsis of Original Bill

Senate Bill 267 provides for Independent Community Colleges to enter into agreements with municipalities for the enforcement of campus traffic regulations, establishes procedures for the issuance and payment of citations, establishes the court of jurisdiction, provides for penalty assessments to be credited to the municipality, and provides for the commissioning of campus security personnel.

The bill also amends current statute to allow, by written agreement, any fines collected by municipal courts within whose jurisdiction a constitutionally created institution exists to be credited to the municipality or the institution.

### **FISCAL IMPLICATIONS**

SB 267 does not contain an appropriation.

The bill has the potential to increase expenses for municipalities, but also provides a revenue stream to them if they accept additional responsibilities under an agreement.

Provisions contained in Section 2 affect all other institutions and allow, by written agreement with constitutionally created institutions, municipalities to keep or share fines and forfeitures collected by the municipal court for violations of campus traffic violations. This is a change from current practice where institutions keep these revenues. This could have the effect of reducing operating revenue campus police departments generate.

### **SIGNIFICANT ISSUES**

The bill provides that an independent community college may enter into an agreement with a municipality outlining terms for the municipality to enforce the traffic regulations, including having police force issue citations to violators and the municipal court adjudicate contested citations. Funds collected shall remain with the municipality to defer the cost of enforcing the regulations.

In the absence of such an agreement, the educational institution's security personnel may enforce the regulations. In this case, fines shall be no more than \$5.00 per violation and shall remain with the educational institution to be used for administering traffic, and parking and operating the institution's security police.

The bill provides for the governing board at an independent community college to determine traffic rules on the campus and sets guidelines as to penalties, signage and payment of fines and penalties.

The bill also provides for a municipality to commission members of the campus security force to issue citations.

The Attorney General notes that, SB 267 amends NMSA 1978, Section 35-14-2 to confer jurisdiction upon the municipal court in the case of such a written agreement. It should be noted that since a municipality and a post-secondary institution may be sharing a common power, a joint powers agreement may be necessary.

HJA:GH/svb:mew