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HOUSE BILL 486

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jane E. Powdrell-Culbert

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING A LAW ENFORCEMENT AGENCY
HIRING A PERSON WHO PREVIOUSLY WORKED FOR ANOTHER LAW
ENFORCEMENT AGENCY TO CONSULT THE DISCIPLINARY RECORD OF THAT
PERSON; REQUIRING A LAW ENFORCEMENT AGENCY TO RELEASE
DISCIPLINARY RECORDS OF AN OFFICER TO A REQUESTING LAW
ENFORCEMENT AGENCY.

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

SECTION 1. [NEW MATERIAL] REQUEST FOR DISCIPLINARY
RECORD.--

A. When a law enforcement agency seeks to hire as a
police officer a person who was previously employed by a
different law enforcement agency, the hiring agency shall
request a copy of all records concerning discipline, cautions,
reprimands or similar records concerning the officer's conduct

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underscoring material = new
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1 that are held by the prior agency.

2 B. When a law enforcement agency receives a request
3 for the disciplinary records of the police officer from another
4 law enforcement agency seeking to hire one of its police
5 officers or former police officers, the law enforcement agency
6 shall transmit those records to the requesting agency.

7 C. The disciplinary records provided by a law
8 enforcement agency shall be privileged and shall not be
9 disclosed to a person not directly involved in the future
10 employment decision affecting the officer.

11 D. A law enforcement agency shall not be held
12 liable for civil damages as a result of transmitting or
13 requesting a police officer's disciplinary record.

14 E. As used in this section:

15 (1) "law enforcement agency" means any agency
16 that employs police officers; and

17 (2) "police officer" has the same meaning as
18 used in the Law Enforcement Training Act.

19 SECTION 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2015.

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