

1 HOUSE BILL 235

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Patricio Ruiloba

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10 AN ACT

11 RELATING TO PEACE OFFICERS; CHANGING THE TITLE OF THE PEACE
12 OFFICERS', NEW MEXICO MOUNTED PATROL MEMBERS' AND RESERVE
13 POLICE OFFICERS' SURVIVORS SUPPLEMENTAL BENEFITS ACT; ADDING
14 CORRECTIONS OFFICERS AND JAILERS TO THE PEACE OFFICERS'
15 SURVIVORS SUPPLEMENTAL BENEFITS ACT.

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

18 SECTION 1. Section 29-4A-1 NMSA 1978 (being Laws 1995,
19 Chapter 59, Section 1, as amended) is amended to read:

20 "29-4A-1. SHORT TITLE.--Chapter 29, Article 4A NMSA 1978
21 may be cited as the "Peace Officers' [~~New Mexico Mounted Patrol~~
22 ~~Members' and Reserve Police Officers'~~] Survivors Supplemental
23 Benefits Act".

24 SECTION 2. Section 29-4A-2 NMSA 1978 (being Laws 1995,
25 Chapter 59, Section 2, as amended) is amended to read:

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1 "29-4A-2. FINDINGS--PURPOSE.--The legislature finds that
2 peace officers throughout the state risk their lives daily to
3 protect the [~~citizens~~] residents of New Mexico. The
4 legislature further finds that when peace officers are killed
5 in the line of duty, their immediate families can suffer
6 grievously, both emotionally and economically. To recognize
7 the substantial public safety benefits conferred by peace
8 officers and in consideration of the sacrifices undertaken by
9 these officers and their families for the [~~citizens~~] residents
10 of New Mexico, it is the purpose of the Peace Officers'
11 Survivors Supplemental Benefits Act to ensure that certain
12 supplemental death benefits accrue to the spouse and surviving
13 children or to the parents, if there are no surviving children
14 or spouse, of a peace officer killed in the line of duty."

15 SECTION 3. Section 29-4A-3 NMSA 1978 (being Laws 1995,
16 Chapter 59, Section 3, as amended) is amended to read:

17 "29-4A-3. DEFINITIONS.--As used in the Peace Officers'
18 [~~New Mexico Mounted Patrol Members' and Reserve Police~~
19 ~~Officers'] Survivors Supplemental Benefits Act:~~

20 A. "fund" means the peace officers' [~~New Mexico~~
21 ~~mounted patrol members' and reserve police officers']
22 survivors fund;~~

23 [~~B. "New Mexico mounted patrol" means units or~~
24 ~~troops officered and manned to assist with law enforcement~~
25 ~~pursuant to the provisions of Sections 29-6-1 and 29-6-4 NMSA~~

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1 ~~1978, Subsection A of Section 29-6-5 NMSA 1978 and Section~~
2 ~~29-6-6 NMSA 1978;~~

3 ~~G.]~~ B. "peace officer" means:

4 (1) any full-time salaried and commissioned or
5 certified law enforcement officer of a police or sheriff's
6 department [or] that is part of or administered by the state or
7 any political subdivision of the state;

8 (2) a conservation officer of the department
9 of game and fish as used in Chapter 17 NMSA 1978 that is part
10 of or administered by the state or any political subdivision of
11 the state;

12 (3) a corrections officer of the corrections
13 department or jailers as used in Chapter 33 NMSA 1978 that is
14 part of or administered by the state or any political
15 subdivision of the state;

16 (4) a member of a New Mexico mounted patrol
17 unit or troop officered and staffed to assist with law
18 enforcement pursuant to the provisions of Sections 29-6-1 and
19 29-6-4 NMSA 1978, Subsection A of Section 29-6-5 NMSA 1978 and
20 Section 29-6-6 NMSA 1978; and

21 ~~[D.]~~ (5) a reserve police officer [means] who
22 is a volunteer or a temporary or part-time employee of a state
23 or local law enforcement agency who is accepted by that agency
24 as a reserve law enforcement officer after receiving a
25 background check and training as needed by that agency and who

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1 is not a member of the New Mexico mounted patrol; and

2 [E-] C. "secretary" means the secretary of public
3 safety."

4 SECTION 4. Section 29-4A-4 NMSA 1978 (being Laws 1995,
5 Chapter 59, Section 4, as amended) is amended to read:

6 "29-4A-4. FUND CREATED.--The "peace officers' [~~New Mexico~~
7 ~~mounted patrol members' and reserve police officers'~~]
8 survivors fund" is created in the state treasury and shall be
9 administered by the department of public safety. The fund
10 shall consist of all gifts, donations and bequests of money to
11 the fund as well as any appropriations made to the fund.
12 Earnings from investment of the fund shall be credited to the
13 fund. Money in the fund is appropriated to the department of
14 public safety for the purpose of paying death benefits pursuant
15 to the Peace Officers' [~~New Mexico Mounted Patrol Members' and~~
16 ~~Reserve Police Officers'~~] Survivors Supplemental Benefits Act
17 and shall be paid out only upon warrants issued by the
18 secretary of finance and administration pursuant to vouchers
19 signed by the secretary of public safety. Any unexpended or
20 unencumbered balance remaining in the fund at the end of any
21 fiscal year shall not revert."

22 SECTION 5. Section 29-4A-5 NMSA 1978 (being Laws 1995,
23 Chapter 59, Section 5, as amended) is amended to read:

24 "29-4A-5. PEACE OFFICERS' [~~NEW MEXICO MOUNTED PATROL~~
25 ~~MEMBERS' AND RESERVE POLICE OFFICERS'~~] SURVIVORS SUPPLEMENTAL

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1 DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

2 A. There is created the "peace officers' [~~New~~
3 ~~Mexico mounted patrol members' and reserve police officers'~~]
4 survivors supplemental death benefits review committee". The
5 committee shall consist of the attorney general, the chief of
6 the New Mexico state police, the secretary of corrections and
7 the state president of the fraternal order of police or their
8 designees.

9 B. The peace officers' [~~New Mexico mounted patrol~~
10 ~~members' and reserve police officers'~~] survivors supplemental
11 death benefits review committee shall determine whether a peace
12 officer [~~New Mexico mounted patrol member or reserve police~~
13 ~~officer~~] has been killed in the line of duty and advise the
14 secretary of that determination. In addition to any other
15 death benefits provided by law, the surviving spouse, children
16 or parents shall be paid two hundred fifty thousand dollars
17 (\$250,000) as supplemental death benefits whenever a peace
18 officer [~~New Mexico mounted patrol member or reserve police~~
19 ~~officer~~] is killed in the line of duty. The benefits shall be
20 paid from the fund.

21 C. The benefits shall be paid first to the
22 surviving spouse. If there is no surviving spouse, the
23 benefits shall be distributed in pro rata shares to all
24 surviving children. If there are no surviving children or
25 spouse, benefits shall be distributed to the surviving

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parents of the peace officer [~~New Mexico mounted patrol member~~
~~or reserve police officer~~]."

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