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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>*HB330/aHJC</u>	Sponsor	<u>Ruiloba</u>
Tracking Number	<u>.212147.3</u>	Committee Referrals	<u>HEC/HJC</u>
Short Title	<u>Training Law Enforcement for School Resources</u>		
Analyst	<u>Stiles</u>	Original Date	<u>2/2/19</u>
		Last Updated	<u>3/4/19</u>

BILL SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee Amendment to HB330 (*HB330/aHJC) adds language declaring an emergency. *HB330/aHJC clarifies only a municipal police officer, a county sheriff's officer or a school district law enforcement officer who is or will be assigned as a school resource officer must receive the training outlined in the bill. Law enforcement officers who are assigned as a school resource officer beginning with the 2020-2021 school year must receive the training within nine months of being assigned as a school resource officer. Officers serving as school resource officers prior to the 2020-2021 school year and who have not received specific training for the position of school resource officer would be required to complete the training by April 1, 2021. The amendment removes language from the bill allowing a school to be eligible for distributions from the Law Enforcement Protection Fund. *HB330/aHJC has an Emergency Clause.

Synopsis of Original Bill

House Bill 330 (HB330) would require municipal police officers, county sheriff's officers, and school district law enforcement officers that are hired as public school resource officers to receive specific training for the job prior to assuming any job duties. The bill additionally amends the Law Enforcement Protection Fund Act to include school district police departments and require an annual distribution of \$600 from the fund for each police officer employed full time by a school district and an additional \$1,000 distribution for each school resource officer assigned to a public school by a municipal police department, sheriff's department, or school district police department.

FISCAL IMPACT

The bill does not contain an appropriation.

The Department of Finance and Administration (DFA) estimates the bill would result in an additional \$313.6 thousand in annual distributions from the fund. However, it appears DFA's estimates may be high.

If enacted, Paragraph 5 of Subsection C of Section 4 of the bill will require an annual distribution from the law enforcement protection fund of \$600 per each full time police officer or peace officer hired by a school district police department. Information provided by the New Mexico Public School Insurance Authority on February 2, 2019 indicates there are 156 school resource officers that meet the requirements of the bill. This would result in an annual distribution from the fund to school districts of \$93.6 thousand.

Additionally, Paragraph 6 of Subsection C of Section 4 of the bill will require an annual distribution from the law enforcement protection fund of \$1,000 to cover the cost of training for each officer assigned as a school resource officer; they will be required to complete training once prior to assuming job duties as a school resource officer. The \$1,000 distribution would be made to any municipal police department, sheriff's department, and school district police department pursuant to the provisions of the bill.

DFA notes the bill would result in a decrease in the annual reversion from the law enforcement protection fund to the general fund. Annually, balances remaining in the law enforcement protection fund revert to the general fund. DFA's analysis indicates \$15.3 million reverted from the law enforcement protection fund to the general fund in FY16; \$18.4 million in FY17; and \$13.7 million in FY18.

Likely, given the above assumptions, the bill would result in annual distributions from the law enforcement protection fund of less than \$200 thousand, and an equivalent reduction in reversions to the general fund.

SUBSTANTIVE ISSUES

*HB330/aHJC would define "school resource officer" as a certified law enforcement officer who is responsible for school safety and crime prevention and the appropriate response to crimes in public schools. The bill would require a municipal police officer, county sheriff's officer, or a school district law enforcement officer to receive specific training before entering into the duties of a school resource officer. Pursuant to the bill, the training must include instruction on the differences in successful law enforcement when conducted inside a school environment, including understanding the adolescent brain, crisis management, and de-escalation techniques; tools to be a positive role model for youth, including mentoring and informal counseling techniques; a school resource officer's role and responsibilities to school personnel, students, and their families; a variety of instructional and classroom management techniques to provide law-related education to students; understanding adolescent development, adolescent mental health disorders, and treatment; identification and response to students who are suspected of having mental health needs; and how to evaluate the school environment to recommend changes that will improve overall school safety.

The Education Commission of the States notes school resource officer responsibilities vary state by state, but their duties generally fall within the categories of law enforcement, counselor, and teacher. Many states require or offer training to school resource officers to prepare them for the unique responsibilities associated with working in a school. The training *HB330/aHJC would require is consistent with recommendations by the office of Community Oriented Policing Services of the U.S. Department of Justice and the National Association of School Resource Officers (NASRO) with a few exceptions. NASRO recommends school resource officers receive training to understand the impact of victimization in childhood, identify signs of sex trafficking,

developing and supporting relationships with diverse students, and understanding the effects of youth trends and drugs on school culture and environment.

*HB330/aHJC would require the New Mexico law enforcement academy to consult with the Public Education Department (PED) and provide or approve school resource officer training.

*HB330/aHJC further amends the Law Enforcement Protection Fund Act to include school district police departments in the distribution formula. The bill defines “school district police department” as a department of commissioned law enforcement officers who are charged with preventing, investigating, and solving crimes on school district property.

ADMINISTRATIVE IMPLICATIONS

*HB330/aHJC would require the New Mexico Law Enforcement Academy, in consultation with PED, to provide or approve the training for school resource officers. It is unclear if the training would be developed internally or outsourced.

*HB330/aHJC would require DFA to update regulations.

TECHNICAL ISSUES

Most acts committed by a child that would be designated as a crime under the Criminal Code if they were committed by an adult are considered to be “delinquent acts” pursuant to the Children’s Code. The sponsor may wish to include reference to delinquent acts in the definition of “school resource officer” and “school district police department” in addition to the reference to “crime” currently included in those definitions.

OTHER SIGNIFICANT ISSUES

*HB330/aHJC would require a law enforcement officer who is assigned as a school resource officer beginning with the 2020-2021 school year to complete the required training within nine months of being assigned as a school resource officer. An officer who was serving as a school resource officer prior to the 2020-2021 school year and who had not received specific training for the position of a school resource officer would be required to complete the training by April 1, 2021.

RELATED BILLS

HB154 also makes changes to Section 29-13-4 NMSA 1978

SOURCES OF INFORMATION

- LESC Files
- Department of Finance and Administration (DFA)

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