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FISCAL IMPACT REPORT

ORIGINAL DATE 2/25/19 CS/HB129/aSJC

SPONSOR HJC LAST UPDATED 3/15/19 HB /Sf1#1

SHORT TITLE School Security Personnel & Deadly Weapons SB _____

ANALYST Hawker/Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

Parenthesis () indicate expenditure decreases

Relates to SB 147

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Sf1#1 Amendments

Senate Floor amendment to House Judiciary Committee Substitute for House Bill 129 as amended strikes SJC amendment item #2 thereby striking the SJC amended Section 3 the amendment then enacts a new Section 3 which is almost identical to the just stricken SJC Section 3. The one change in the Senate Floor amendment Section 3, is found in Subsection C(2) adding to the list of persons who are prohibited from employment as school security personnel. HB129/HJCS/aSJC/Sf1#1 also prohibits individuals who have “formal discipline for the use of excessive force” from employment as school security personnel.

Synopsis of SJC Amendments

The Senate Judiciary Committee Amendments to the House Judiciary Committee Substitute for House Bill 129 strikes Section 3 in the substitute (enacting a new section of the Public School Code) and enacts a new section of the Code which includes these changes:

- Replacing the term “armed school security personnel” with “school security personnel”, which means retired or former certified commissioned law enforcement officers employed by a school district and authorized by Public Education Department (PED) rules and local school board policy to carry a firearm on school premises;

- Requiring firearms as that term is used in the new section be recommended by Department of Public Safety (DPS) and authorized by the Public School Insurance Authority (PSIA);
- Requiring the school district to require, in addition to the qualifications in the substitute's Section 3, that the potential school security personnel provide proof of up-to-date firearms training, but striking the "as ethical misconduct" qualifier as to behavior that violates the Code relative to the background check;
- Limiting the bar to performance of any other job in the school district by school security personnel to only when carrying a firearm;
- Requiring PED consult with PSIA as to the required physical and psychological evaluation before prescribing that evaluation; and
- Requiring PED and PSIA to approve school security personnel and firearms training programs, which programs must include working with students with special needs as well as cultural competency and prohibited profiling practices. Additionally, DPS shall make recommendations for that firearms training.

The amendments also provide the effective date of the bill to be July 1, 2020.

Technical Issue: Page 5, line 11 refers to "armed" school security personnel, but the balance of the amendments strike the term "armed" and use the defined term school security personnel.

Synopsis of Original Bill

House Judiciary Committee Substitute to House Bill 129 adds new sections to New Mexico Statutes providing armed school security personnel.

Section 1: language is added to Chapter 22, Article 5 NMSA 1978 providing only local school boards have authority to authorize school security personnel to carry firearms on public school premises or other school district property. This action must be made in an open meeting.

Section 2: a new section is added to the Charter Schools Act providing only the governing board of a charter school has the authority to authorize school security personnel to carry firearms on charter school premises or other charter school property. This action must be made in an open meeting.

Section 3: definitions for "armed school security personnel", "firearm", "local school board", "school district", "school premises" and "school security guard" are added to the Public School Code.

PED shall promulgate rules pertaining to persons who are prohibited from employment as armed school security personnel. Prior to an offer of employment, the school district shall require from each potential armed school security personnel:

- proof the retired or former law enforcement officer was certified and commissioned for no less than three years and left law enforcement in good standing;
- successful completion of school security personnel training;
- successful completion of background check as stipulated in HB 129/HJCS;
- other conditions required by law, PED rule, or school district policy;

- holding no other job title or job duties in the school district.

Prior to being allowed to carry firearms as authorized by local school board policy, the armed school security personnel must successfully pass a physical and psychological evaluation as prescribed by PED.

PED shall approve one or more nationally recognized armed school security personnel training programs that include cultural competency and prohibited profiling practices.

Section 4: Nothing in HB 129/HJCS shall be construed as allowing armed school security personnel to carry a firearm on school premises if doing so would be a violation of state or federal law.

HB 129/HJCS does not apply to school resource officers.

FISCAL IMPLICATIONS

HB 129/HJCS has no fiscal impact.

SIGNIFICANT ISSUES

The LFC Hearing Brief, *Preventative and Responsive Interventions for School Shootings, March 22, 2018*, states:

At least seven states (Georgia, Kansas, South Dakota, Tennessee, Texas, Wyoming, and Florida) have laws permitting school employees to carry firearms in public schools. In Florida, school staff can be deputized by local sheriffs as “armed guardians” subject to special trainings, mental health and drug screenings, and licensing to carry a concealed weapon. School districts must opt in to this program and nearly all classroom teachers are excluded from participating unless they are junior reserve officer training corps instructors, serve in the military, or have been police officers. Non-teaching personnel such as administrators, guidance counselors, librarians, and coaches are also eligible to be armed guardians.

ADMINISTRATIVE IMPLICATIONS

PED will be required to promulgate rules.

HSEMD recommends a single data repository/clearing house with either DPS/NMSP or the Fusion Center at HSEMD be established so as to ensure compliance and de-conflict potential issues with authorized persons allowed to carry firearms on campuses. Additional resources would be required.

RELATIONSHIP

SB 147 amends Section 22-13-14 NMSA 1978, emergency drills in schools.

VKH/MD/sb