

1 SENATE BILL 192

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Linda M. Lopez

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; REQUIRING LAW ENFORCEMENT AGENCIES
12 AND PEACE OFFICERS TO DISCLOSE EVIDENCE FAVORABLE TO AN ACCUSED
13 IN A CRIMINAL CASE; ALLOWING FOR CERTAIN ACTIONS AGAINST A
14 POLICE OFFICER'S CERTIFICATION FOR FAILURE TO PERFORM
15 DISCLOSURE DUTIES OR FOR HINDRANCE OF ANOTHER PEACE OFFICER'S
16 PERFORMANCE OF THOSE DUTIES; PROVIDING A PENALTY.

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

19 SECTION 1. A new Section 29-1-19 NMSA 1978 is enacted to
20 read:

21 "29-1-19. [NEW MATERIAL] DISCLOSURE OF EXCULPATORY AND
22 IMPEACHMENT INFORMATION.--

23 A. Each law enforcement agency and peace officer
24 shall disclose to the attorney general, district attorney or
25 other prosecutor all evidence favorable to the accused in a

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underscoring material = new
[bracketed material] = delete

1 criminal case. The prosecutor may request that information
2 through any reasonable means. Upon request of the prosecutor,
3 a peace officer named as a witness or the officer's employing
4 agency shall disclose all information identified or categorized
5 by the prosecutor as exculpatory or impeachment evidence. That
6 information shall include acts of dishonesty, conduct
7 establishing a lack of integrity in investigation,
8 discriminatory bias against a protracted class of personas,
9 bias in favor of or against a participant in the proceeding and
10 criminal charges and convictions.

11 B. Failure to perform the duties contained in this
12 section, or intentionally hindering another peace officer's
13 performance of these duties, shall subject a peace officer to
14 suspension or revocation of certification pursuant to Section
15 29-7-13 NMSA 1978 and removal from office."

16 SECTION 2. Section 29-7-13 NMSA 1978 (being Laws 1993,
17 Chapter 255, Section 10) is amended to read:

18 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF
19 CERTIFICATION.--

20 A. After consultation with the employing agency,
21 the board may refuse to issue or may suspend or revoke a police
22 officer's certification when the board determines that a person
23 has:

24 (1) failed to satisfy the qualifications for
25 certification, set forth in Section 29-7-6 NMSA 1978;

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[bracketed material] = delete

1 (2) committed acts that constitute dishonesty
2 or fraud;

3 (3) been convicted of, pled guilty to or
4 entered a plea of no contest to:

5 (a) any felony charge; or

6 (b) any violation of federal or state
7 law or a local ordinance relating to aggravated assault, theft,
8 driving while under the influence of intoxicating liquor or
9 drugs, controlled substances or any law or ordinance involving
10 moral turpitude;

11 (4) knowingly made any false statement in
12 [~~his~~] the application for certification;

13 (5) knowingly failed to perform the disclosure
14 duties set forth in Section 29-1-19 NMSA 1978 or intentionally
15 hindered another police officer's performance of these duties;
16 or

17 (6) knowingly refused to recognize the legal
18 efficacy of or enforce a provision of the constitution, laws,
19 executive orders or rules of the state.

20 B. The board shall develop, adopt and promulgate
21 administrative procedures for suspension or revocation of a
22 police officer's certification that include notice and an
23 opportunity for the affected police officer to be heard, as
24 well as procedures for review of the board's decision."