

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 375

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

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC SAFETY; PROVIDING FOR NEW AREAS OF EMERGENCY RESPONDER TRAINING; CREATING A LAW ENFORCEMENT OFFICER DATABASE; CREATING THE LAW ENFORCEMENT CERTIFICATION BOARD; SFC→**INCREASING CERTAIN SURVIVOR DEATH BENEFITS;**←SFC MAKING AN APPROPRIATION.

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

SECTION 1. Section 24-10B-4.2 NMSA 1978 (being Laws 2003,

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Chapter 243, Section 12) is amended to read:

"24-10B-4.2. APPROVED TRAINING PROGRAMS.--

A. Approved emergency medical services training programs for providers are an integral part of the emergency medical services system, and the programs shall include:

~~[A.]~~ (1) improving and expanding emergency medical services within regions through focused emergency medical services educational activities;

~~[B.]~~ (2) furthering the knowledge base of emergency medical services education; and

~~[C.]~~ (3) securing physicians as medical directors to advise approved training programs in medical matters and to serve as liaison to the state emergency medical services medical director and the medical community as a whole.

B. Emergency medical services training programs shall include:

- (1) crisis management and intervention;
- (2) dealing with individuals who are experiencing mental health issues;
- (3) methods of de-escalation;
- (4) peer-to-peer intervention;
- (5) stress management; and
- (6) racial sensitivity."

SECTION 2. Section 24-10B-12 NMSA 1978 (being Laws 1993, Chapter 161, Section 7, as amended) is amended to read:

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"24-10B-12. ACADEMY--DUTIES.--The academy is designated as the lead emergency medical services training agency. Its duties include:

A. administering formal emergency medical services training conducted in New Mexico, other than training provided by other approved emergency medical services training programs;

B. furthering the knowledge of emergency medical services education;

C. securing a physician as its medical director to advise it in medical matters and to serve as liaison to the state emergency medical services medical director and the medical community as a whole;

D. supporting, promoting and conducting scholarly research regarding emergency medical services; ~~and~~

E. reporting and publishing emergency medical services information; and

F. ensuring that medical services training programs approved by the state include training in:

(1) crisis management and intervention;

(2) dealing with individuals who are experiencing mental health issues;

(3) methods of de-escalation;

(4) peer-to-peer intervention;

(5) stress management; and

(6) racial sensitivity."

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SFC→SECTION 3. Section 29-4A-5 NMSA 1978 (being Laws 1995, Chapter 59, Section 5, as amended) is amended to read:

"29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "peace officers', New Mexico mounted patrol members' and reserve police officers' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the chief of the New Mexico state police and the state president of the fraternal order of police or their designees.

B. The peace officers', New Mexico mounted patrol members' and reserve police officers' survivors supplemental death benefits review committee shall determine whether a peace officer, New Mexico mounted patrol member or reserve police officer has been killed in the line of duty and advise the secretary of that determination. In addition to any other death benefits provided by law, the surviving spouse, children or parents shall be paid [~~two hundred fifty thousand dollars (\$250,000)~~] four hundred thousand dollars (\$400,000) as supplemental death benefits whenever a peace officer, New Mexico mounted patrol member or reserve police officer is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid first to the

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surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the peace officer, New Mexico mounted patrol member or reserve police officer."←SFC

SECTION SFC→3.←SFC SFC→4.←SFC Section 29-7-3 NMSA 1978 (being Laws 1979, Chapter 202, Section 42, as amended) is amended to read:

"29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

A. There is created the "New Mexico law enforcement academy board".

~~[B. The academy shall be controlled and supervised by policy set by the board. The board shall be composed of the attorney general, who shall serve automatically by reason of office and serve as chair of the board, and eight members who are qualified electors to be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment.]~~

B. The board shall develop and adopt basic training and in-service training standards for police officers and telecommunicators in New Mexico.

C. The board shall be composed of the attorney

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general, the director of the New Mexico law enforcement academy and the directors of all the satellite law enforcement academies, who shall serve automatically by reason of their position. Hf11→~~The remaining seven members of the board shall be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment. The members appointed by the governor shall consist of one attorney who is currently employed in a district attorney's office; one attorney who is currently employed by the public defender department; one certified police chief of a New Mexico Indian nation, tribe or pueblo; two members who have experience and specialize in providing adult education; and two citizen-at-large members, one of whom shall have experience as a behavioral health provider and neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.~~←Hf11

[G.] D. Appointments to the board shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year. [At all times, the board shall have represented on it, as

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~~members, one municipal police chief, one sheriff, one state police officer, one attorney who is currently employed in a district attorney's office, one certified police chief of a New Mexico Indian tribe or pueblo, one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members, neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.~~

SFC→**E.** The board shall appoint a chief executive officer to assist the board in carrying out its functions. The chief executive officer shall employ persons as necessary to assist the board in carrying out its functions.←SFC

D.] SFC→**E.**←SFC SFC→**F.**←SFC Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act."

SECTION SFC→**4.**←SFC SFC→**5.**←SFC Section 29-7-4 NMSA 1978 (being Laws 1969, Chapter 264, Section 6, as amended) is amended to read:

"29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

~~[A. approve or disapprove the appointment of the director by the secretary;~~

B.] A. develop ~~[and implement]~~ a planned program, to be implemented by the SFC→**director**←SFC SFC→**chief executive**

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officer of the board ← SFC , of:

(1) basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act, a portion of which may be conducted on a regional basis;

[G-] B. prescribe qualifications for instructors and prescribe courses of instruction for:

(1) basic law enforcement training and in-service law enforcement training; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act;

[D-] C. report annually to the governor;

[E-] D. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy; and

[F-] E. adopt, publish and file, in accordance with the provisions of the State Rules Act, all regulations and rules concerning [~~the operation of the academy and~~] the implementation and enforcement of the provisions of the Law Enforcement Training Act and the Public Safety Telecommunicator

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Training Act.

~~[G. issue, grant, deny, renew, suspend or revoke a:~~

~~(1) peace officer's certification for any cause set forth in the provisions of the Law Enforcement Training Act; and~~

~~(2) telecommunicator's certification for any just cause set forth in the Public Safety Telecommunicator Training Act;~~

~~H. administer oaths, subpoena persons and take testimony on any matter within the board's jurisdiction; and~~

~~I. perform all other acts appropriate to the development and operation of the academy.]"~~

SECTION SFC→5.←SFC SFC→6.←SFC A new section of the Law Enforcement Training Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

"29-7-4.3. [NEW MATERIAL] LAW ENFORCEMENT OFFICER TRAINING.--The curriculum of each basic law enforcement training class and in-service training each year for certified police officers shall include:

- A. crisis management and intervention;
- B. dealing with individuals who are experiencing mental health issues;
- C. methods of de-escalation;
- D. peer-to-peer intervention;
- E. stress management;

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- F. racial sensitivity;
- G. reality-based situational training; and
- H. use of force training that includes the elimination of vascular neck restraints."

SECTION ~~SFC~~ **6.** ~~SFC~~ ~~SFC~~ **7.** ~~SFC~~ Section 29-7-5 NMSA 1978 (being Laws 1969, Chapter 264, Section 7, as amended) is amended to read:

"29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director shall be under the supervision and direction of the secretary of public safety. The director shall:

A. be the chief executive officer of the academy and employ necessary personnel;

~~[B. issue a certificate of completion to any person who:~~

~~(1) graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or~~

~~(2) graduates from an approved basic telecommunicator training program and who satisfies the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act;~~

G.] B. perform all other acts necessary and appropriate to the carrying out of ~~[his]~~ the director's duties; and

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~~[D. act as executive secretary to the board;
E. carry out the policy as set by the board; and
F. annually evaluate the courses of instruction
being offered by the academy and make necessary modifications
and adjustments to the programs]~~

C. implement the training standards and
requirements developed and adopted by the board."

Hf11→SECTION 8. Section 29-7-7.1 NMSA 1978 (being Laws
1981, Chapter 114, Section 7, as amended) is amended to read:

"29-7-7.1. IN-SERVICE LAW ENFORCEMENT TRAINING--
REQUIREMENTS--ELIGIBILITY.--

A. In-service law enforcement training consists of
at least forty hours of academic instruction, approved by the
board, for each certified police officer during each twenty-
four month period of employment or service with a political
subdivision. The first training course shall commence no later
than twelve months after graduation from an approved basic law
enforcement training program.

B. All certified police officers who are eligible
for in-service training shall, during each twenty-four month
period of employment, complete a minimum of forty hours of in-
service law enforcement training in courses approved by the
board. All certified police officers shall provide proof of
completing in-service law enforcement training requirements to

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the director no later than March 1 of the year in which the requirements must be met. The director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. Failure to complete in-service law enforcement training requirements may be grounds for suspension of a certified police officer's certification by the law enforcement certification board. A police officer's certification may be reinstated by the law enforcement certification board when the police officer presents [the] that board with evidence of satisfying in-service law enforcement training requirements."

SECTION 9. Section 29-7-13 NMSA 1978 (being Laws 1993, Chapter 255, Section 10) is amended to read:

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

A. After consultation with the employing agency, the law enforcement certification board may refuse to issue or may suspend, [or] revoke or refuse to reinstate a police officer's certification when [the] that board determines that a person has:

- (1) failed to satisfy the qualifications for certification, set forth in Section 29-7-6 NMSA 1978;
- (2) committed acts that constitute dishonesty or fraud;
- (3) been convicted of, pled guilty to or

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entered a plea of no contest to:

(a) any felony charge; or

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

(4) knowingly made any false statement in [his] the application for certification.

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

SECTION 10. Section 29-7-15 NMSA 1978 (being Laws 2020 (1st S.S.), Chapter 7, Section 2) is amended to read:

"29-7-15. REVOKE POLICE OFFICER CERTIFICATION AFTER CONVICTION OR MAKING CERTAIN PLEAS.--Notwithstanding any other provision of law, if any police officer is convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force or a crime involving the failure to intervene in the use of unlawful force, the law enforcement certification board shall permanently revoke the police officer's certification. The law

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enforcement certification board shall not, under any circumstance, reinstate the police officer's certification or grant new certification to the police officer unless the police officer is exonerated by a court or pardoned by the governor."←Hf11

SECTION SFC→7.←SFC Hf11→SFC→8.←SFC←Hf11 Hf11→11.←Hf11

Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by tribal, municipal, school district and university police departments, county sheriff's departments, the department of public safety and the academy for money in the fund in the succeeding fiscal year pursuant to the provisions of Subsections [G] D and [E] F of this section.

B. As necessary during the year, the division shall transfer an amount from the fund to the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund that enables the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund to be maintained at a minimum balance of three hundred fifty thousand dollars (\$350,000).

C. The division shall on an annual basis transfer

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six million dollars (\$6,000,000) to the SFC→academy←SFC
SFC→department of public safety←SFC for the purpose of
implementing the Law Enforcement Training Act.

[G-] D. The division shall determine the rate of distribution of money in the fund as follows:

(1) all municipal police, school district police and county sheriff's departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000);

(2) university police departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000);

(3) the academy shall be entitled to a rate of distribution of twenty-four thousand five hundred dollars (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA 1978;

(4) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection [D] E of this section, to one thousand dollars (\$1,000) for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform

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services in New Mexico. A tribal police department shall not be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations;

(5) municipal, school district and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection ~~[D]~~ E of this section, to one thousand dollars (\$1,000) for each police officer or sheriff's deputy employed full time by that department who has been certified by the academy, or by a regional law enforcement training facility in the state certified by the director of the academy, as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978; and

(6) municipal police, sheriff's and school district police departments that assign officers as school resource officers shall be entitled to one thousand dollars (\$1,000) for each assigned school resource officer's training pursuant to Section ~~[1 of this 2020 act]~~ 29-7-14 NMSA 1978.

~~[D.]~~ E. After distributions are determined in accordance with Subsection A, Subsection B and Paragraphs (1), (2), (3) and (6) of Subsection ~~[G]~~ D of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraphs (4) and (5) of Subsection

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[E] D of this section, the division shall reduce that allocation to the maximum amount permitted by available money.

[E-] F. After all distributions have been made in accordance with Subsections A through [D] E of this section, and if the balance in the fund is sufficient, the department of public safety shall be entitled to a rate of distribution of not more than two million dollars (\$2,000,000)."

SECTION SFC→8.←SFC Hf11→SFC→9.←SFC←Hf11 Hf11→12.←Hf11
Section 59A-52-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 952, as amended) is amended to read:

"59A-52-6. FIRE PROTECTION TRAINING PROGRAMS.--The state fire marshal shall establish and conduct training programs throughout the state for demonstrating and teaching firefighters proper methods of preventing and extinguishing fires. The training programs also shall include:

A. crisis management and intervention;

B. dealing with individuals who are experiencing mental health issues;

C. methods of de-escalation;

D. peer-to-peer intervention;

E. stress management; and

F. racial sensitivity."

SECTION SFC→9.←SFC Hf11→SFC→10.←SFC←Hf11 Hf11→13.←Hf11
A new section of the Department of Public Safety Act is enacted to read:

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"[NEW MATERIAL] LAW ENFORCEMENT OFFICER DATABASE.--

A. By no later than SFC→~~December 31, 2021~~←SFC
SFC→**June 30, 2022**←SFC , the secretary shall create a database to coordinate the sharing of information among state, local and federal law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.

B. The database provided for in Subsection A of this section shall include a mechanism to track, as permissible, terminations or decertifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct and civil judgments against law enforcement officers for improper use of force. The database shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The secretary shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded due process.

C. Upon a particularized showing of the need for the requested data, the secretary shall make available to a law enforcement agency data regarding specific law enforcement officers whose identity has been entered into the database described in Subsection A of this section.

D. The secretary shall regularly and periodically

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make available to the public aggregated and anonymized data from the database described in Subsection A of this section.

E. As used in this section:

(1) "law enforcement agency" means the police department of a municipality, the sheriff's office of a county, the New Mexico state police or the department; and

(2) "law enforcement officer" means a state or municipal police officer, county sheriff, deputy sheriff, conservation officer, motor transportation enforcement officer or other state employee authorized by state law to enforce criminal statutes."

SECTION ~~SFC~~→10.←~~SFC~~ Hf11→~~SFC~~→11.←~~SFC~~←Hf11
Hf11→14.←Hf11 SFC→A new section of the Department of Public
Safety Act is enacted to read←SFC SFC→"←SFC [NEW MATERIAL] LAW
ENFORCEMENT CERTIFICATION BOARD--APPOINTMENT--POWERS AND
DUTIES.--

A. The "law enforcement certification board" is established and administratively attached to the department of public safety as an independent board. The board shall consist of nine members appointed by the governor with the advice and consent of the senate. No more than five members of the board shall be members of the same political party. The members of the board shall be appointed for five-year terms. Two of the initial board members shall be appointed for one-year terms; two of the initial board members shall be appointed for two-

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year terms; two of the initial board members shall be appointed for three-year terms; two of the initial board members shall be appointed for four-year terms; and one of the initial board members shall be appointed for a five-year term.

B. The law enforcement certification board membership shall include the following:

- ~~Hf11→(1) a retired judge who shall serve as chair of the board;~~
- ~~(2) a municipal peace officer;~~
- ~~(3) a sheriff;~~
- ~~(4) a tribal law peace officer;~~
- ~~(5) an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights or who represents criminal defendants;~~
- ~~(6) an attorney in private practice who represents public entities in civil rights claims; and~~
- ~~(7) an attorney who is employed by the public defender department.~~←Hf11

- Hf11→(1) a retired judge who shall serve as chair of the board;
- (2) a current or retired municipal peace officer who has at least three years of supervisory experience as sergeant or above;
- (3) a current or retired sheriff's deputy who has at least three years of supervisory experience as sergeant

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or above;

(4) a current or retired tribal law peace officer who has at least three years of supervisory experience as sergeant or above;

(5) an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights;

(6) an attorney in private practice who represents public entities in civil rights claims;

(7) an attorney who has prosecuted and represented criminal defendants;

(8) a member appointed by the New Mexico municipal league; and

(9) a member appointed by the New Mexico association of counties. ←Hf11

C. The law enforcement certification board may:

(1) issue a certificate of completion to any person who:

(a) graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(b) graduates from an approved basic

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telecommunicator training program and who satisfies the qualification for certification as set forth in the Public Safety Telecommunicator Training Act;

(2) deny, renew, suspend or revoke:

(a) a peace officer's certification for just cause as provided in the Law Enforcement Training Act; and

(b) a telecommunicator's certification for just cause as provided in the Public Safety Telecommunicator Training Act; and

(3) conduct investigations, administer oaths and subpoena persons as necessary to make determination regarding fitness of a law enforcement officer to execute a law enforcement officer's duties.

D. The law enforcement certification board may require by subpoena the attendance of witnesses or the production of records and other evidence relevant to an investigation and shall have such other powers and duties and administer or enforce such other acts as further provided by law.

E. The law enforcement certification board shall appoint a chief executive officer to assist the board in carrying out its functions. The chief executive officer shall employ persons as necessary to assist the law enforcement certification board in carrying out its functions.

F. The law enforcement certification board shall

issue a certificate of completion and certification to:

(1) graduates from an approved basic law enforcement training program who satisfy the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(2) graduates from an approved basic telecommunicator training program who satisfy the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act.

G. Members of the law enforcement certification board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act. SFC→"←SFC

Hf11→SECTION 15. REPEAL.--Section 29-7-5.1 NMSA 1978 (being Laws 1979, Chapter 202, Section 45, as amended) is repealed.←Hf11

SECTION SFC→11.←SFC Hf11→SFC→12.←SFC←Hf11 Hf11→16.←Hf11 EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1 through Hf11→SFC→6 and 8 through 10←SFC SFC→7 and 9 through 11←SFC←Hf11 Hf11→Hf11→6 and 8 through 10←Hf11←Hf11 Hf11→10 and 12 through 15←Hf11 of this act is SFC→July 1, 2021←SFC SFC→January 1, 2022←SFC .

B. The effective date of the provisions of Section Hf11→SFC→7←SFC SFC→8←SFC←Hf11 Hf11→Hf11→7←Hf11←Hf11 Hf11→11←Hf11 of this act is July 1, 2022.

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