

HOUSE BILL 193

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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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 THE LAW ENFORCEMENT RETENTION FUND; ALLOWING
RETENTION DIFFERENTIAL DISBURSEMENTS FOR FULL-TIME CERTIFIED
LAW ENFORCEMENT OFFICERS WHO HAVE BEEN EMPLOYED BY ONE OR MORE
LAW ENFORCEMENT AGENCIES FOR THE REQUIRED YEARS OF SERVICE;
PROVIDING A NEW RETENTION DIFFERENTIAL DISBURSEMENT FOR FULL-
TIME CERTIFIED LAW ENFORCEMENT OFFICERS WITH TWENTY OR MORE
YEARS OF SERVICE; REQUIRING LAW ENFORCEMENT AGENCIES TO COMPLY
WITH THE LAW ENFORCEMENT TRAINING ACT AND TO SUBMIT ADDITIONAL

.226921.2AIC January 25, 2024 (9:28am)

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INFORMATION TO RECEIVE RETENTION DIFFERENTIAL DISBURSEMENTS
HAFC→; ~~MAKING AN APPROPRIATION~~←HAFC .

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

SECTION 1. Section 9-19-14 NMSA 1978 (being Laws 2022, Chapter 56, Section 36) is amended to read:

"9-19-14. LAW ENFORCEMENT RETENTION FUND--CREATED--
RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

A. The "law enforcement retention fund" is created in the state treasury. The fund consists of money appropriated by the legislature, federal money granted to the state for the purposes of the fund, income from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The department shall administer the fund to provide:

(1) retention differential disbursements for full-time certified law enforcement officers meeting certain levels of tenure; and

(2) support for disbursement administration processes and reporting compliance.

B. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of public safety.

C. Contingent on the completion of reporting requirements provided in Subsection [G] H of this section, the department shall determine and distribute annually the amount

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necessary to provide to a law enforcement agency for the purpose of providing a retention differential disbursement to full-time certified law enforcement officers employed by that law enforcement agency. A law enforcement agency shall expend funding received for no other purpose than that permitted by this section, and any unexpended balance received by a law enforcement agency pursuant to this section at the end of a fiscal year shall revert to the law enforcement retention fund. The department shall monitor the use of funding and ensure the proper reversions to the law enforcement retention fund.

D. A full-time certified law enforcement officer shall be eligible to receive a retention differential disbursement [~~in the amount of five percent of the law enforcement officer's salary~~] upon [~~reaching~~] completing four, nine, fourteen and nineteen years of service from the anniversary of the full-time certified law enforcement officer's date of hire with [~~that~~] a law enforcement agency. [~~provided that~~

~~(1) the law enforcement officer remains employed as a law enforcement officer with that same law enforcement agency for one additional year; and~~

~~(2) the retention differential disbursement shall be calculated based on the salary of the law enforcement officer on those dates] If the officer remains employed as a full-time certified law enforcement officer at HJC→a←HJC HJC→that same←HJC law enforcement agency for an additional~~

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year, then the officer shall receive a retention differential disbursement of five percent of the officer's annual base salary upon completing five years of service, upon completing ten years of service, upon completing fifteen years of service and upon completing twenty years of service.

E. Upon completing twenty years of service, a full-time certified law enforcement officer shall become eligible to receive a retention differential disbursement in the amount of five percent of the officer's annual base salary if the officer remains employed as a full-time certified law enforcement officer at the same law enforcement agency for an additional year by completing twenty-one years of service. For each year of service completed after twenty-one years of service, the officer shall receive an annual retention differential disbursement in the amount of five percent of the officer's annual salary, if the officer remains employed as a full-time law enforcement officer at the same law enforcement agency.

~~[E.]~~ F. After the calculations for retention differential disbursements are made in accordance with ~~[Subsection]~~ Subsections D and E of this section, if the balance in the fund is insufficient to permit the total disbursements provided by ~~[Subsection]~~ Subsections D and E of this section, the department shall reduce that allocation to the maximum amount permitted by available money in the fund.

~~[F.]~~ G. The amount provided for a retention differential disbursement shall include the amount of employer

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tax liabilities, which shall be paid by the employer at the time the retention differential disbursement is provided to the full-time certified law enforcement officer.

[G.] H. To receive funding pursuant to Subsection C of this section, a law enforcement agency shall make that request to the department prior to June 1 of each fiscal year, and in that request, the agency shall report the following:

(1) the number of officers that are projected to become eligible for a retention differential disbursement in the upcoming fiscal year and the projected amount of the retention differential disbursement, including any employer tax liabilities;

(2) the number of full-time certified law enforcement officers employed by the law enforcement agency for the last five years;

(3) the number of years of service of each full-time certified law enforcement officer employed by the law enforcement agency;

(4) the number of full-time certified law enforcement officers that left the employ of the law enforcement agency in the last year and the stated reasons why each full-time certified law enforcement officer left the employ of the law enforcement agency;

(5) the number of years of service of each full-time certified law enforcement officer that left the employ of the law enforcement agency in the last year;

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(6) the number of applicants to the law enforcement agency in the last year;

(7) the number of applicants to the law enforcement agency in the last year that attended a law enforcement academy;

(8) the number of full-time certified law enforcement officers that received one or more certifications in the last year;

(9) the number of full-time certified law enforcement officers added to the law enforcement agency via lateral transfer and the years of service of each full-time certified law enforcement officer at each previous law enforcement agency;

(10) any changes to compensation, recruiting, retention or benefits implemented by the law enforcement agency in the last year; and

(11) any other information that is used for determining retention rates unless disclosure of such information is otherwise prohibited by law.

[H.] I. The department shall:

(1) provide forms, standards and procedures and related training to law enforcement agencies as necessary for the agencies to report retention information;

(2) maintain the privacy and security of information in accordance with applicable state and federal laws; and

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(3) adopt and promulgate rules as necessary to implement the provisions of this section.

J. To receive funding pursuant to Subsection C of this section, a law enforcement agency shall be compliant with the Law Enforcement Training Act at the time the request is made pursuant to Subsection H of this section.

K. To receive funding pursuant to Subsection C of this section, a law enforcement agency shall have submitted the agency's most current roster of full-time certified law enforcement officers, including commission dates, to the New Mexico law enforcement academy no later than April 1 of each year.

[F.] L. The annual report and other statistical data reports generated by the department [~~shall include an evaluation of a program's efficacy in law enforcement retention and~~] shall be made available to law enforcement agencies and the public.

[J.] M. The department shall provide [~~monthly~~] annual reports to the department of finance and administration and the legislative finance committee about expenditures from the law enforcement retention fund, including an itemized list of expenditures and the balance remaining in the fund.

[K.] N. The department may waive reporting information required by a law enforcement agency pursuant to Subsection [G] H of this section; provided that the department shall provide an explanation of its decision in writing.

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~~[E-]~~ O. The department shall submit an annual report providing information collected pursuant to Subsection ~~[G]~~ H of this section to the governor and the legislature no later than December 15 of each year.

~~[M-]~~ P. As used in this section:

(1) "full-time certified law enforcement officer" means a full-time certified salaried public employee of a law enforcement agency whose principal duties under law are to hold in custody any person accused of a criminal offense, to maintain public order or to make arrests for crimes;

~~[(1-)]~~ (2) "law enforcement agency" means an agency of the state or local political subdivision of the state that employs certified law enforcement officers or the police department of a tribe that has entered into an agreement with the department pursuant to Section 29-1-11 NMSA 1978; and

~~[(2) "law enforcement officer" means a full-time salaried public employee of a law enforcement agency or a certified part-time salaried police officer employed by a law enforcement agency whose principal duties under law are to hold in custody any person accused of a criminal offense, to maintain public order or to make arrests for crimes; and]~~

(3) "retention differential disbursement" means the amount disbursed from the law enforcement retention fund based on a full-time certified law enforcement officer's service at a law enforcement agency but is not considered

salary for the purpose of calculating retirement benefits."

H AFC → ~~SECTION 2. APPROPRIATION. -- One million dollars (\$1,000,000) is appropriated from the general fund to the law enforcement protection fund for expenditure in fiscal year 2025 and subsequent fiscal years for the annual cost difference to implement retention differential disbursements. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~ ← H AFC

SECTION H AFC → 3. ← H AFC H AFC → 2. ← H AFC EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2024.

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