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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING MECHANISMS TO STRENGTHEN
THE LAW ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATOR
PROFESSIONS; REQUIRING THE ADOPTION AND IMPLEMENTATION OF UP-
TO-DATE PROFESSIONAL LAW ENFORCEMENT AND PUBLIC SAFETY
TELECOMMUNICATOR TRAINING AND PROFESSIONAL DEVELOPMENT SYSTEMS
THAT MEET BEST PRACTICES AND EVOLVING NATIONAL STANDARDS;
REQUIRING THE ADOPTION OF EVIDENCE- AND STANDARDS-BASED LAW
ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATOR TRAINING
CURRICULA; REQUIRING REGULAR CURRICULA UPDATES; REQUIRING THE
DEVELOPMENT OF TRAINING AND PERFORMANCE STANDARDS; REQUIRING A
COMPREHENSIVE REVIEW OF THE LAW ENFORCEMENT AND PUBLIC SAFETY
TELECOMMUNICATOR TRAINING SYSTEMS AT LEAST EVERY FIVE YEARS;
ALLOWING THE LAW ENFORCEMENT CERTIFICATION BOARD TO SUMMARILY
SUSPEND LAW ENFORCEMENT OFFICERS WHO FAIL TO SUBMIT PROOF OF
REQUIRED IN-SERVICE TRAINING PRIOR TO BEGINNING A REVOCATION

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1 PROCESS; PROVIDING THAT BOARD INVESTIGATION DOCUMENTS SHALL
2 REMAIN CONFIDENTIAL UNTIL FINAL DISPOSITION OF THE CASE; MAKING
3 APPROPRIATIONS.

4

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

6 SECTION 1. That version of Section 9-19-8 NMSA 1978
7 (being Laws 1987, Chapter 254, Section 8, as amended) that is
8 to become effective July 1, 2023 is amended to read:

9 "9-19-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The
10 governor's organized crime prevention commission [~~the New~~
11 ~~Mexico law enforcement standards and training council~~] and the
12 law enforcement certification board are administratively
13 attached to the department, and the New Mexico law enforcement
14 standards and training council is administratively attached to
15 the New Mexico law enforcement academy in accordance with the
16 Executive Reorganization Act."

17 SECTION 2. That version of Section 29-7-7 NMSA 1978
18 (being Laws 1981, Chapter 114, Section 6, as amended) that is
19 to become effective July 1, 2023 is recompiled as Section
20 29-7-1.2 NMSA 1978 and is amended to read:

21 "29-7-1.2. DEFINITIONS.--For the purpose of the Law
22 Enforcement Training Act:

23 A. "academy" means the New Mexico law enforcement
24 academy;

25 B. "basic law enforcement training" means a course

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1 consisting of not less than four hundred hours of instruction
2 in basic law enforcement training as required by the Law
3 Enforcement Training Act;

4 C. "board" means the law enforcement certification
5 board;

6 D. "commissioned" means the authority given to a
7 certified law enforcement officer employed by a law enforcement
8 agency to apprehend, arrest and bring before the court any
9 violators within the law enforcement agency's jurisdiction;

10 [~~D.~~] E. "conviction" means an adjudication of guilt
11 or a plea of no contest and includes convictions that are
12 suspended, [~~or~~] deferred or diverted;

13 [~~E.~~] F. "council" means the New Mexico law
14 enforcement standards and training council;

15 G. "crisis situation" means conditions in which one
16 or more persons pose a threat of imminent harm to self or
17 others;

18 [~~F.~~] H. "director" means the director of the
19 division;

20 [~~G.~~] I. "division" or "academy" means the New
21 Mexico law enforcement academy of the department of public
22 safety;

23 J. "executive director" means the executive
24 director of the board;

25 [~~H.~~] K. "in-service law enforcement training" means

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1 a course of instruction [~~required of all certified peace~~
2 ~~officers and designed to train and equip all police officers in~~
3 ~~the state with specific law enforcement skills and to ensure~~
4 ~~the continuing development of all police officers in the state.~~
5 ~~The training and instruction shall be kept current and may be~~
6 ~~conducted on a regional basis at the discretion of the~~
7 ~~director]~~ requiring specified hours, subject matter and skill
8 proficiencies conducted on a schedule specified by the council
9 to maintain certification;

10 L. "job task analysis" means the periodic,
11 systematic, comprehensive assessment of the skills and
12 knowledge required for all law enforcement or public safety
13 telecommunicator positions;

14 [~~F.~~] M. "law enforcement agency" means an agency of
15 the state or local political subdivision of the state that
16 employs certified and commissioned law enforcement officers or
17 the police department of [a] an Indian nation, tribe or pueblo
18 or the bureau of Indian affairs that employs commissioned and
19 certified law enforcement officers and that has entered into
20 [an] a commissioning agreement with the department of public
21 safety [pursuant to] in accordance with Section 29-1-11 NMSA
22 1978;

23 [~~J.~~] N. "law enforcement officer" or "police
24 officer" means [any] a commissioned, full-time salaried
25 employee of a law enforcement agency that is part of or

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1 administered by the state or any political subdivision of the
2 state, and includes ~~[any]~~ an employee of a missile range
3 civilian police department, who is a graduate of the academy or
4 a recognized ~~[certified]~~ accredited regional law enforcement
5 training facility and who is currently ~~[certifiable]~~ certified
6 by the ~~[academy]~~ board, which employee is responsible for the
7 prevention and detection of crime or the enforcement of the
8 penal, ~~[or]~~ traffic or highway laws of this state. ~~[The term]~~
9 "Law enforcement officer" specifically includes deputy
10 sheriffs; ~~[Sheriffs are eligible to attend the academy and are~~
11 ~~eligible to receive certification as provided in the Law~~
12 ~~Enforcement Training Act. As used in this subsection,~~
13 ~~"commissioned" means an employee of a law enforcement agency~~
14 ~~who is authorized by a sheriff or chief of police to apprehend,~~
15 ~~arrest and bring before the court all violators within the law~~
16 ~~enforcement agency's jurisdiction; and~~

17 ~~K.]~~ O. "certified regional law enforcement training
18 facility" means a law enforcement training facility within the
19 state ~~[certified]~~ accredited by the ~~[director, with the~~
20 ~~approval of the academy's]~~ board ~~[of directors]~~ that offers
21 basic law enforcement training and in-service law enforcement
22 training that is standardized with the academy and that offers
23 advanced training that is comparable to or exceeds the
24 standards of the programs of the academy; and

25 P. "professional development" means a program of

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1 the academy for which standards are set by the council and that
2 assists law enforcement agencies and certified law enforcement
3 officers to develop individualized career path plans and
4 corrective action plans."

5 SECTION 3. That version of Section 29-7-3 NMSA 1978
6 (being Laws 1979, Chapter 202, Section 42, as amended) that is
7 to become effective July 1, 2023 is amended to read:

8 "29-7-3. NEW MEXICO LAW ENFORCEMENT STANDARDS AND
9 TRAINING COUNCIL.--

10 A. [~~There is created~~] The "New Mexico law
11 enforcement standards and training council" is created and is
12 administratively attached to the New Mexico law enforcement
13 academy of the department of public safety, which shall provide
14 staff support for the council.

15 B. The council shall develop and [~~adopt basic~~
16 ~~training and in-service training standards for police officers~~
17 ~~and telecommunicators in New Mexico~~] promulgate training
18 requirements, curricula and methods; professional development
19 programs; and performance standards for law enforcement
20 officers and public safety telecommunicators at all levels,
21 including basic, field, advanced, specialized and instructor
22 training to be consistent throughout New Mexico.

23 C. The council [~~shall consist~~] consists of:
24 (1) the director of the [~~New Mexico law~~
25 ~~enforcement~~] academy and the directors of [~~all~~] the [~~satellite~~]

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1 accredited regional law enforcement [~~academies, who shall serve~~
2 ~~automatically by reason of their position. The remaining~~
3 ~~seven]~~ training facilities, who serve ex officio; and

4 (2) eleven members [~~of the council shall be]~~
5 appointed by the governor and confirmed by the senate, [~~An~~
6 ~~appointed council member shall serve and have all of the~~
7 ~~duties, responsibilities and authority of that office during~~
8 ~~the period prior to the final action by the senate in~~
9 ~~confirming or rejecting the appointment. The members appointed~~
10 ~~by the governor shall consist of]~~ consisting of:

11 (a) one attorney [~~who is currently]~~
12 employed in a district attorney's office;

13 (b) one attorney [~~who is currently]~~
14 employed by the public defender department;

15 (c) one certified police chief of a New
16 Mexico Indian nation, tribe or pueblo;

17 (d) two certified public safety
18 telecommunicators, one of whom shall be from an agency that
19 offers fire and medical telecommunications services and one of
20 whom shall be from a public safety agency serving a rural part
21 of the state;

22 (e) two members who have experience and
23 specialize in providing adult education; [~~and]~~

24 (f) two citizen-at-large members, one of
25 whom [~~shall have experience as a]~~ has behavioral health

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1 [provider] expertise and neither of whom [~~shall be a police~~
2 ~~officer or retired police officer~~] is an active or retired law
3 enforcement officer or public safety telecommunicator or [have]
4 has a familial or financial [~~connections~~] connection to [a
5 ~~police~~] an active or retired law enforcement officer or public
6 safety telecommunicator or any agency or department for which a
7 [~~police~~] law enforcement officer or public safety
8 telecommunicator works;

9 (g) a sheriff who is a certified law
10 enforcement officer; and

11 (h) a municipal law enforcement manager
12 who is a certified law enforcement officer.

13 D. An appointed council member shall serve and have
14 all the duties, responsibilities and authority of that office
15 during the period prior to the final action by the senate in
16 confirming or rejecting the appointment. Vacancies on the
17 council shall be filled by appointment by the governor with the
18 consent of the senate for the unexpired term.

19 [~~D.~~] E. Appointments to the council shall be for
20 staggered terms of four years or less made in such manner that
21 the terms of not more than [~~two~~] four members expire on July 1
22 of each year.

23 [~~E.~~] F. Members of the council [~~shall~~] are entitled
24 to receive, for their service as members of the council, per
25 diem and mileage as provided in the Per Diem and Mileage Act."

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1 SECTION 4. That version of Section 29-7-4 NMSA 1978
2 (being Laws 1969, Chapter 264, Section 6, as amended) that is
3 to become effective July 1, 2023 is amended to read:

4 "29-7-4. POWERS AND DUTIES OF COUNCIL--EVIDENCE- AND
5 STANDARDS-BASED TRAINING PROGRAM--CONTRACTS FOR TRAINING
6 CURRICULA REVISIONS, ADOPTION OF PROGRAM AND PROFESSIONAL
7 STANDARDS.--

8 A. The council shall:

9 ~~[A. develop a planned program, to be implemented by~~
10 ~~the director, of:~~

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

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

18 (1) after consultation with the board, adopt
19 by rule professional standards that describe the skills,
20 knowledge and behaviors that characterize exemplary practice
21 and professional growth of law enforcement officers and public
22 safety telecommunicators in New Mexico;

23 (2) develop and continually evaluate the
24 training and professional development system to ensure that it
25 integrates the knowledge and skills necessary for law

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1 enforcement officers and public safety telecommunicators to
2 meet or exceed professional standards such that they:

3 (a) intervene effectively in high-risk
4 and crisis situations to protect the officer and the public
5 safety and to minimize liability;

6 (b) use force that is objectively
7 reasonable under the totality of circumstances and, when
8 feasible, is least restrictive and limited to protect the
9 officer and the public safety;

10 (c) treat everyone with respect,
11 regardless of racial, ethnic or cultural differences; physical
12 or mental capacities; or appearance, language or gender; and
13 that avoids civil rights violations;

14 (d) demonstrate attitudes of pride,
15 professionalism and honor in protecting all persons and
16 communities;

17 (e) carry out the duty to intervene in
18 another officer's inappropriate conduct, regardless of rank;

19 (f) demonstrate sensitivity to
20 collateral damage in the wake of trauma resulting from law
21 enforcement interventions;

22 (g) equitably enforce state laws and
23 local ordinances; and

24 (h) collect and secure evidence,
25 maintain case documentation and provide accurate testimony to

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1 support judicial processes;

2 (3) ensure that the law enforcement training
3 and professional development system includes responsibilities
4 of agencies to attend to the wellness and behavioral health of
5 its officers, including providing access to needed supportive
6 services, and coordinate and cooperate with other community
7 services;

8 [~~B.~~] (4) prescribe by rule qualifications and
9 required training for instructors, [~~and prescribe~~] including
10 field training officers;

11 (5) prescribe by rule curricula and courses of
12 instruction for [~~(1) basic~~] all levels of law enforcement
13 training and [~~in-service law enforcement~~] public safety
14 telecommunicator training; [~~and (2) basic telecommunicator~~
15 training and in-service telecommunicator training, as provided
16 in the Public Safety Telecommunicator Training Act;

17 ~~G.~~ (6) report annually to the governor and
18 the legislature;

19 [~~D.~~] (7) in its discretion, accept donations,
20 contributions, grants or gifts from whatever source for the
21 benefit of the council or academy, which donations,
22 contributions, grants or gifts are appropriated for the use of
23 the council or academy; and

24 [~~E.~~] (8) adopt [~~publish and file~~] and
25 promulgate, in accordance with the provisions of the State

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1 Rules Act, all rules concerning [~~the implementation and~~
2 ~~enforcement of Sections 29-7-2 through 29-7-7.7, 29-7-12,~~
3 ~~29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA 1978]~~ academy
4 curricula, training programs, including training standards, and
5 professional and performance standards.

6 B. With the approval of the council during the
7 period the council and the academy are developing and updating
8 the evidence- and standards-based training programs that meet
9 best practices and evolving national standards, the academy may
10 contract with law enforcement and public safety
11 telecommunicator curriculum design and evaluation experts to
12 perform job task analyses of different levels of law
13 enforcement and recommend:

14 (1) professional standards for law enforcement
15 officers and public safety telecommunicators;

16 (2) revisions to training curricula and
17 academic and physical performance standards; and

18 (3) training requirements for instructors and
19 other personnel responsible for training law enforcement
20 officers and public safety telecommunicators in the performance
21 of their duties.

22 C. The law enforcement training system, including
23 curricula, training standards, professional standards and
24 academy staffing, shall undergo a comprehensive review and
25 update at least every five years.

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1 D. Nothing in Subsection B of this section limits
2 the council from approving interim new or more up-to-date
3 versions of training curricula for the academy during the
4 multiyear process of conducting job task analyses, adopting and
5 promulgating professional standards and training standards and
6 comprehensively revising the academy's training curricula.

7 E. Until new evidence- and standards-based training
8 programs are implemented, the board shall certify law
9 enforcement officers after successful completion of the
10 training programs then in effect. During the process of
11 updating the training system, the council and the academy shall
12 provide periodic reports to the legislature and shall make a
13 final report, including recommendations for funding and
14 statutory changes, to the governor and the legislature."

15 SECTION 5. Section 29-7-4.3 NMSA 1978 (being Laws 2022,
16 Chapter 56, Section 13) is amended to read:

17 "29-7-4.3. LAW ENFORCEMENT CERTIFICATION BOARD--
18 APPOINTMENT--POWERS AND DUTIES--REFUSAL TO ISSUE OR DENIAL,
19 SUSPENSION OR REVOCATION OF CERTIFICATION--SUSPENSION OF
20 CERTIFICATION FOR FAILURE TO MEET REQUIRED IN-SERVICE
21 TRAINING--CONFIDENTIALITY OF INVESTIGATIONS--LAW ENFORCEMENT
22 CERTIFICATION OFFICE CREATED.--

23 A. The "law enforcement certification board" is
24 established and administratively attached to the department of
25 public safety, [~~as an independent board in accordance with the~~

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1 ~~Executive Reorganization Act]~~ and the department shall provide
2 administrative services for the board and the law enforcement
3 certification office.

4 B. The board consists of [~~nine~~] eleven members
5 appointed by the governor with the advice and consent of the
6 senate. No more than [~~five~~] six members [~~of the board~~] shall
7 be members of the same political party. Members shall be
8 appointed so as to represent different geographic areas of the
9 state and the ethnic and cultural diversity of the state's
10 population. The members [~~of the board~~] shall be appointed for
11 staggered five-year terms, except that for the initial board,
12 two [~~of the initial board~~] members shall be appointed for one-
13 year terms, two [~~of the initial board~~] members shall be
14 appointed for two-year terms, two [~~of the initial board~~]
15 members shall be appointed for three-year terms, two [~~of the~~
16 ~~initial board~~] members shall be appointed for four-year terms;
17 and [~~one of the initial board~~] three members shall be appointed
18 for [~~a~~] five-year [~~term~~] terms.

19 [~~B.~~] C. The board shall include the following
20 members:

21 (1) a retired district judge, who [~~shall~~
22 ~~serve~~] serves as chair of the board;

23 (2) a current or retired municipal [~~peace~~]
24 police officer;

25 (3) a sheriff certified as a law enforcement

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1 officer;

2 (4) a current or retired state or local law
3 enforcement officer who has law enforcement management
4 experience;

5 ~~(4)~~ (5) a current or retired tribal law
6 ~~[peace]~~ law enforcement officer;

7 (6) a certified public safety
8 telecommunicator;

9 ~~(5)~~ (7) an attorney in private practice who
10 practices as a plaintiff's attorney in the area of civil rights
11 or who represents criminal defendants;

12 ~~(6)~~ (8) an attorney in private practice who
13 represents public entities in civil rights claims; ~~and~~

14 ~~(7)~~ (9) an attorney who is employed by the
15 public defender department;

16 (10) a professor of criminal justice at a
17 public post-secondary educational institution in New Mexico;

18 and

19 (11) a citizen-at-large who has knowledge and
20 interest in law enforcement training.

21 D. An appointed member shall serve and have all of
22 the duties, responsibilities and authority of that office
23 during the period prior to the final action by the senate in
24 confirming or rejecting the appointment. Vacancies shall be
25 filled by appointment by the governor with the consent of the

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1 senate for the unexpired term of the member. Members are
2 entitled to receive per diem and mileage as provided in the Per
3 Diem and Mileage Act.

4 [~~G.~~] E. The board shall:

5 (1) provide by rule the requirements for
6 applicants to all training programs and for professional
7 development;

8 (2) provide by rule the requirements for all
9 certifications;

10 (3) take appeals from applicants who have been
11 denied admission to the academy;

12 (4) issue certifications to qualified
13 candidates, including law enforcement instructors and regional
14 law enforcement training facilities, recommended for
15 certification by the academy;

16 [~~(1)~~] (5) deny, suspend or revoke [~~(a)~~—a
17 ~~peace officer's certification for just cause as provided in the~~
18 ~~Law Enforcement Training Act; and~~

19 (b) ~~a telecommunicator's~~
20 ~~certification for just cause as provided in the Public Safety~~
21 ~~Telecommunicator Training Act; and (2) conduct investigations,~~
22 ~~administer oaths and subpoena persons as necessary to make~~
23 ~~determination regarding fitness of a law enforcement officer to~~
24 ~~execute a law enforcement officer's duties] certifications for
25 just cause as provided in the Law Enforcement Training Act, the~~

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1 Public Safety Telecommunicator Training Act or other laws and
2 rules promulgated in accordance with those laws; and

3 (6) approve rules proposed by the office to
4 carry out the board's and the office's powers and duties
5 pursuant to the Law Enforcement Training Act, including
6 specifically rules pertaining to the refusal to admit for
7 training or the denial, suspension or revocation of
8 certification, and any other powers or duties granted to the
9 board or law enforcement certification office.

10 F. Upon complaint or upon its own motion, the board
11 may conduct investigations, administer oaths and issue
12 subpoenas as necessary to make a determination regarding the
13 behavior and conduct of a law enforcement officer, public
14 safety telecommunicator or instructor to execute the law
15 enforcement officer's, public safety telecommunicator's or
16 instructor's duties or the fitness of a regional law
17 enforcement training facility to properly train cadets or
18 instructors using evidence- and standards-based curricula
19 approved by the council.

20 ~~[D.]~~ G. The board may require by subpoena the
21 attendance of witnesses or the production of records and other
22 evidence relevant to an investigation and shall have such other
23 powers and duties and administer or enforce such other acts as
24 further provided by law.

25 ~~[E. The board shall appoint a chief executive~~

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1 ~~officer to assist the board in carrying out its functions. The~~
2 ~~chief executive officer shall employ persons as necessary to~~
3 ~~assist the board in carrying out its functions.~~

4 F. ~~The board shall adopt, publish and file, in~~
5 ~~accordance with the provisions of the State Rules Act, all~~
6 ~~rules concerning the implementation and enforcement of the Law~~
7 ~~Enforcement Training Act and Public Safety Telecommunicator~~
8 ~~Training Act except those sections enumerated in Subsection E~~
9 ~~of Section 29-7-4 NMSA 1978 for which rules shall be adopted,~~
10 ~~published and filed by the council.~~

11 G. ~~The board shall issue or renew a certification~~
12 ~~to:~~

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

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

20 H. ~~Members of the board shall receive, for their~~
21 ~~service as members of the board, per diem and mileage as~~
22 ~~provided in the Per Diem and Mileage Act.]~~

23 H. If a law enforcement officer or public safety
24 telecommunicator has not fulfilled the in-service requirement,
25 the board may notify the law enforcement officer or public

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1 safety telecommunicator and the law enforcement or public
2 safety agency that the board has summarily suspended the law
3 enforcement officer's or public safety telecommunicator's
4 certification. The notice shall include the information that
5 the law enforcement officer or public safety telecommunicator
6 has sixty days to show proof of completion of the required
7 hours of in-service training or the board will begin the
8 process of revoking the certification. The law enforcement
9 agency or public safety agency may request a waiver of
10 suspension because the law enforcement officer or public safety
11 telecommunicator had been unable to complete the required hours
12 of in-service training because of unforeseen circumstances or
13 other reason provided by rule of the board.

14 I. Internal affairs and other investigation
15 documents provided to or developed by the board for use in a
16 certification case shall remain confidential and not available
17 for inspection pursuant to the Inspection of Public Records Act
18 until final disposition of a case after the board has completed
19 its adjudication of the case. A decision of the board is a
20 final agency decision and may be appealed as provided in
21 Section 39-3-1.1 NMSA 1978.

22 J. The "law enforcement certification office" is
23 created and serves as staff for the board. The board shall
24 appoint an executive director who serves at the pleasure of the
25 board. The executive director shall be appointed without

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1 regard to political party affiliation and solely on the ground
2 of fitness to perform the duties of the office. The executive
3 director may employ such professional and clerical staff in
4 accordance with the Personnel Act as necessary to support the
5 board. The office shall draft and propose rules to the board
6 to carry out the duties of the board and the office. Approved
7 rules shall be adopted and promulgated in accordance with the
8 State Rules Act."

9 SECTION 6. That version of Section 29-7-5 NMSA 1978
10 (being Laws 1969, Chapter 264, Section 7, as amended) that is
11 to become effective July 1, 2023 is amended to read:

12 "29-7-5. POWERS AND DUTIES OF ~~[THE]~~ ACADEMY
13 DIRECTOR.--The director shall be appointed by and under the
14 supervision and direction of the secretary of public safety.
15 The provisions of the Executive Reorganization Act
16 notwithstanding, the director shall be appointed without regard
17 to political party affiliation and only on the ground of
18 fitness to perform the duties of the office. The director does
19 not serve at the pleasure of the governor or secretary, but may
20 be removed only as provided in Section 29-7-5.1 NMSA 1978. The
21 director shall:

22 A. be qualified for the position by education and
23 experience, including having:

24 (1) a bachelor's or higher degree;

25 (2) certification as a law enforcement

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1 officer; and

2 (3) at least five years' experience as a law
3 enforcement officer and, preferably, experience as a law
4 enforcement instructor or law enforcement administrator;

5 ~~[A.]~~ B. be the chief executive officer of the
6 academy and employ certified law enforcement instructors and
7 other necessary personnel;

8 ~~[B.—issue]~~ C. recommend to the board that a
9 certificate of completion be granted to ~~[any person]~~ a
10 candidate who:

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

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

19 ~~[G.]~~ D. perform all other acts necessary and
20 appropriate to the carrying out of the director's duties or at
21 the request of the council or the secretary of public safety;

22 ~~[D.]~~ E. implement the training standards, curricula
23 and other requirements developed and adopted by the council;
24 and

25 ~~[E.]~~ F. annually evaluate the courses of

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1 instruction being offered by the academy and [~~make necessary~~]
2 recommend to the council modifications and adjustments to the
3 programs."

4 SECTION 7. Section 29-7-6.1 NMSA 1978 (being Laws 1993,
5 Chapter 255, Section 7, as amended) is amended to read:

6 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

7 A. Sheriffs are eligible to attend the academy and
8 are eligible to receive certification as provided in the Law
9 Enforcement Training Act.

10 [~~A-~~] B. Every county sheriff, except sheriffs who
11 have previously been awarded a certificate attesting to
12 completion of a basic law enforcement training program, shall
13 participate in and complete an administrative law enforcement
14 training program no later than twelve months after the date the
15 sheriff assumes office as a county sheriff.

16 [~~B-~~] C. The director shall establish the
17 administrative law enforcement training program for county
18 sheriffs, subject to review and approval by the executive
19 committee of the sheriff's affiliate of the New Mexico
20 association of counties.

21 [~~C-~~] D. A county sheriff's per diem, mileage and
22 tuition expenses attributed to attendance at the administrative
23 law enforcement training shall be paid for by the governing
24 body of the county served by that sheriff."

25 SECTION 8. Section 29-7-7.1 NMSA 1978 (being Laws 1981,

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1 Chapter 114, Section 7, as amended) is amended to read:

2 "29-7-7.1. IN-SERVICE LAW ENFORCEMENT TRAINING--
3 REQUIREMENTS--ELIGIBILITY--PENALTIES FOR FAILURE TO COMPLETE OR
4 REPORT REQUIREMENTS.--

5 A. To maintain certification as a law enforcement
6 officer, in-service law enforcement training is required. In-
7 service training consists of [~~at least~~] a minimum of forty
8 hours of academic instruction approved by the [~~board~~] council
9 for each certified [~~police~~] law enforcement officer during each
10 twenty-four month period of employment or service with a
11 [~~political subdivision~~] state or local law enforcement agency.
12 The first required in-service law enforcement training [~~course~~]
13 period shall commence no later than twelve months after
14 graduation from an approved basic law enforcement training
15 program.

16 B. [~~All certified police officers who are eligible~~
17 ~~for in-service training shall, during each twenty-four month~~
18 ~~period of employment, complete a minimum of forty hours of in-~~
19 ~~service law enforcement training in courses approved by the~~
20 ~~board. All] Each certified [~~police officers~~] law enforcement
21 officer shall provide proof of completing in-service law
22 enforcement training requirements to the officer's law
23 enforcement agency and the executive director no later than
24 March 1 of the year in which the requirements must be met. The
25 executive director shall provide annual notice to all certified~~

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1 ~~[police]~~ law enforcement officers regarding in-service law
2 enforcement training requirements. Failure to complete in-
3 service law enforcement training requirements ~~may~~ or failure
4 to report completion to the board shall be grounds for
5 suspension of a ~~[certified police]~~ law enforcement officer's
6 certification and may result in the state withholding the law
7 enforcement agency's law enforcement protection fund
8 distribution. A ~~[police]~~ law enforcement officer's
9 certification may be reinstated by the board when the ~~[police]~~
10 law enforcement officer presents the board with evidence of
11 satisfying in-service law enforcement training requirements.

12 C. The board shall audit in-service law enforcement
13 training compliance."

14 SECTION 9. That version of Section 29-7-7.2 NMSA 1978
15 (being Laws 1981, Chapter 144, Section 8, as amended) that is
16 to become effective July 1, 2023 is amended to read:

17 "29-7-7.2. REPORTS.--

18 A. Every law enforcement agency that employs law
19 enforcement officers that are required to be certified by the
20 state shall report on a schedule required by the board and on
21 electronic forms provided by the board that are compatible with
22 the academy information system or other system that may be
23 adopted by the department of public safety and shall be
24 complete and certified by the police chief, sheriff or other
25 head of a law enforcement agency. Each law enforcement

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1 agency's reports shall include specific information on each law
2 enforcement officer's status as to:

3 (1) employment, including date of employment,
4 rank, promotions, disciplinary actions and demotions and the
5 date and general reason for separation from the agency, if
6 applicable;

7 (2) disciplinary actions, demotions or
8 suspensions of duty and the reasons for the disciplinary
9 actions and demotions or suspensions; and

10 (3) required in-service law enforcement
11 training, including specific courses and hours completed.

12 B. Every law enforcement agency within the state
13 shall ~~[submit quarterly a report to the director and the board~~
14 ~~on the status of each police officer employed by the law~~
15 ~~enforcement agency. The reports shall include the status of~~
16 ~~in-service law enforcement training]~~ notify the board within
17 thirty days when a law enforcement officer is employed by the
18 law enforcement agency or leaves employment with that agency.

19 C. The board may require law enforcement agencies
20 to report on other personnel who are not law enforcement
21 officers but who are required to have in-service law
22 enforcement training.

23 D. The reporting forms and submittal dates shall be
24 prescribed by the board.

25 E. Failure of a law enforcement officer to provide

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1 proof of having met in-service law enforcement training or
2 failure of a law enforcement agency to submit reports or to
3 timely notify the board of changes in employment status of law
4 enforcement officers may result in the state withholding the
5 agency's law enforcement protection fund distribution."

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

8 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF
9 CERTIFICATION.--

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

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

16 (2) committed acts that constitute dishonesty
17 or fraud;

18 (3) been convicted of, pled guilty to, [~~or~~]
19 entered a plea of no contest to or had a probable cause
20 determination made relating to:

21 (a) any felony charge; or

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

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1 moral turpitude;

2 (4) knowingly made any false statement in
3 [~~his~~] the application for certification; or

4 (5) been demoted or suspended from duty by a
5 law enforcement agency for misconduct.

6 B. The board shall develop, adopt and promulgate
7 administrative procedures for suspension or revocation of a
8 [~~police~~] law enforcement officer's certification that include
9 notice and an opportunity for the affected [~~police~~] law
10 enforcement officer to be heard, as well as procedures for
11 judicial review of the board's final agency decision as
12 provided in Section 39-3-1.1 NMSA 1978."

13 SECTION 11. That version of Section 29-7C-4 NMSA 1978
14 (being Laws 2003, Chapter 320, Section 6, as amended) that is
15 to become effective July 1, 2023 is amended to read:

16 "29-7C-4. [~~BASIC~~] TELECOMMUNICATOR TRAINING PROGRAM.--

17 A. The council shall:

18 (1) after consultation with the board, adopt
19 by rule professional standards that describe the skills,
20 knowledge and behaviors that characterize exemplary practice
21 and professional growth of telecommunicators in New Mexico and
22 training standards that implement the professional standards;
23 and

24 (2) develop and adopt a [~~basic~~]
25 telecommunicator training program for telecommunicator

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1 certification. The program shall be [~~constructed to~~] evidence-
2 and performance-based and shall meet best practices and
3 evolving national standards and the [minimum basic] needs of
4 telecommunicators [in New Mexico] at each level of
5 certification.

6 B. Until new evidence- and standards-based training
7 programs are adopted and promulgated, the board shall certify
8 telecommunicators after successful completion of the training
9 programs then in effect. During the process of updating the
10 telecommunicator training system, the council and the New
11 Mexico law enforcement academy shall provide periodic reports
12 to the legislature and shall make a final report, including
13 recommendations for funding and statutory changes, to the
14 governor and the legislature."

15 SECTION 12. Section 29-7C-7 NMSA 1978 (being Laws 2003,
16 Chapter 320, Section 9, as amended) is amended to read:

17 "29-7C-7. IN-SERVICE TELECOMMUNICATOR TRAINING.--

18 A. In-service telecommunicator training consists of
19 at least twenty hours of board-approved advanced training,
20 including one hour of crisis management, including crisis
21 intervention, confrontation de-escalation practicum and proper
22 interaction with persons with mental impairments training, for
23 each certified telecommunicator during each two-year period.
24 The first training course shall commence no later than twelve
25 months after graduation from a board-approved basic

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1 telecommunicator training program.

2 B. A certified telecommunicator shall provide proof
3 of completion of in-service training requirements to the
4 director no later than March 1 of the year subsequent to the
5 year in which the requirements are met. The director shall
6 provide annual notice to all certified telecommunicators
7 regarding in-service training requirements. Failure to
8 complete in-service training requirements may be grounds for
9 suspension of a telecommunicator's certification at the
10 ~~[director's]~~ board's discretion as provided in Section 29-7-4.3
11 NMSA 1978. A telecommunicator may be reinstated ~~[at the~~
12 ~~discretion of the director]~~ by the board when the
13 telecommunicator presents to the ~~[director]~~ board evidence the
14 telecommunicator has satisfied the in-service training
15 requirements.

16 C. As used in this section, "mental impairment"
17 includes a mental illness, developmental disability,
18 posttraumatic stress disorder, dual diagnosis, autism, youth in
19 crisis and traumatic brain injury."

20 SECTION 13. Section 29-7C-9 NMSA 1978 (being Laws 2003,
21 Chapter 320, Section 11) is amended to read:

22 "29-7C-9. REFUSAL, SUSPENSION OR REVOCATION OF
23 CERTIFICATION.--

24 A. The board ~~[shall]~~ may refuse to issue or ~~[shall]~~
25 may suspend or revoke a telecommunicator's certification, after

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1 consultation with [~~his~~] the telecommunicator's employing safety
2 agency, if the board determines that [~~a person~~] the
3 telecommunicator has:

4 (1) failed to satisfy the qualifications for
5 certification set forth in Section 29-7A-3 NMSA 1978;

6 (2) committed acts that constitute dishonesty
7 or fraud;

8 (3) been convicted of, pled guilty to, [~~or~~]
9 entered a plea of nolo contendere to or had a probable cause
10 determination made relating to a:

11 (a) felony charge; or

12 (b) violation of a federal or state law,
13 a local ordinance relating to aggravated assault or theft or a
14 law involving moral turpitude; [~~or~~]

15 (4) knowingly made a false statement on [~~his~~]
16 the application; or

17 (5) been demoted or suspended from duty by the
18 safety agency for misconduct.

19 B. The board shall [~~develop, adopt and~~] promulgate
20 rules that specify the administrative procedures for suspension
21 or revocation of a telecommunicator's certification that
22 include:

23 (1) notice and opportunity for the affected
24 telecommunicator to be heard; and

25 (2) procedures for judicial review of the

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1 board's final agency decision as provided in Section 39-3-1.1
2 NMSA 1978."

3 SECTION 14. Section 29-13-6 NMSA 1978 (being Laws 1983,
4 Chapter 289, Section 6, as amended) is amended to read:

5 "29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION
6 FUND.--

7 A. Based on a periodic allotment approved by the
8 division for the current fiscal year, the state treasurer shall
9 distribute from the fund the amounts certified by the division
10 to be distributed to governmental entities and the peace
11 officers', New Mexico mounted patrol members' and reserve
12 police officers' survivors fund as required in Section 29-13-4
13 NMSA 1978. Payments shall be made by the treasurer to the
14 appropriate governmental entity or fund unless otherwise
15 specified in Subsection C of this section.

16 B. The state treasurer is authorized to redirect a
17 distribution to the New Mexico finance authority in an amount
18 certified by the division, pursuant to an ordinance or a
19 resolution passed by the municipality or county and a written
20 agreement of the municipality or county and the New Mexico
21 finance authority.

22 C. Based on a periodic allotment approved by the
23 division for the current fiscal year, the state treasurer shall
24 distribute from the money in the fund money certified by the
25 division to be distributed to tribes. Payment shall be made to

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1 the chief financial officer of the tribe. If necessary, the
2 fund may be decreased below the level of one hundred thousand
3 dollars (\$100,000) to enable payment to the tribes. If
4 insufficient money remains in the fund to fully compensate the
5 tribes, a report shall be made to the Indian affairs department
6 and to an appropriate interim committee of the legislature that
7 reviews issues having impact on tribes by September 1 of the
8 year of the shortfall.

9 D. The academy may notify the division and the
10 state treasurer to withhold the distribution to any
11 governmental entity that has failed to submit required reports
12 to the academy as provided in Section 29-7-7.2 NMSA 1978 or
13 that employs law enforcement officers who have failed to submit
14 proof of completion of required in-service law enforcement
15 training as required in Section 29-7-7.1 NMSA 1978."

16 SECTION 15. TEMPORARY PROVISIONS--RULES OF NEW MEXICO LAW
17 ENFORCEMENT ACADEMY BOARD--RULES OF NEW MEXICO LAW ENFORCEMENT
18 STANDARDS AND TRAINING COUNCIL OR LAW ENFORCEMENT CERTIFICATION
19 BOARD.--The rules of the New Mexico law enforcement academy
20 board shall continue in effect until amended or repealed by the
21 New Mexico law enforcement standards and training council or
22 the law enforcement certification board, as applicable.

23 SECTION 16. APPROPRIATIONS.--

24 A. The following amounts are appropriated from the
25 general fund to the New Mexico law enforcement academy of the

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1 department of public safety for expenditure in the specified
2 fiscal years for the following purposes, and money remaining
3 from an appropriation at the end of the specified expenditure
4 period shall revert to the general fund:

5 (1) two million two hundred fifty thousand
6 dollars (\$2,250,000) is appropriated for expenditure in fiscal
7 years 2024 through 2026 to contract with law enforcement
8 curriculum design and evaluation experts to update and
9 modernize the New Mexico law enforcement academy's training
10 programs and to purchase relevant curricula and instructional
11 materials; and

12 (2) seven hundred fifty thousand dollars
13 (\$750,000) is appropriated for expenditure in fiscal years 2024
14 through 2026 to contract with public safety telecommunicator
15 curriculum design and evaluation experts to update and
16 modernize the New Mexico law enforcement academy's training
17 programs and to purchase relevant curricula and instructional
18 materials.

19 B. Four hundred twenty-five thousand dollars
20 (\$425,000) is appropriated from the general fund to the New
21 Mexico law enforcement academy of the department of public
22 safety for expenditure in fiscal year 2024 for salary and
23 benefits, equipment, supplies and other costs associated with
24 employing one training and development specialist supervisor,
25 two training and development specialists and one law

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1 enforcement instructor. Any unexpended or unencumbered balance
2 remaining at the end of fiscal year 2024 shall revert to the
3 general fund.

4 C. Four hundred seventy-five thousand dollars
5 (\$475,000) is appropriated from the general fund to the law
6 enforcement certification board for expenditure in fiscal year
7 2024 for salary and benefits, equipment, supplies and other
8 costs associated with employing one executive director, one
9 investigator, one attorney and one paralegal for certification
10 enforcement and clerical staff. Any unexpended or unencumbered
11 balance remaining at the end of fiscal year 2024 shall revert
12 to the general fund.

13 SECTION 17. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2023.