

1 AN ACT

2 RELATING TO THE LAW ENFORCEMENT RETENTION FUND; ALLOWING  
3 RETENTION DIFFERENTIAL DISBURSEMENTS FOR FULL-TIME CERTIFIED  
4 LAW ENFORCEMENT OFFICERS WHO HAVE BEEN EMPLOYED BY ONE OR  
5 MORE LAW ENFORCEMENT AGENCIES FOR THE REQUIRED YEARS OF  
6 SERVICE; PROVIDING A NEW RETENTION DIFFERENTIAL DISBURSEMENT  
7 FOR FULL-TIME CERTIFIED LAW ENFORCEMENT OFFICERS WITH TWENTY  
8 OR MORE YEARS OF SERVICE; REQUIRING LAW ENFORCEMENT AGENCIES  
9 TO COMPLY WITH THE LAW ENFORCEMENT TRAINING ACT AND TO SUBMIT  
10 ADDITIONAL INFORMATION TO RECEIVE RETENTION DIFFERENTIAL  
11 DISBURSEMENTS.

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

16 "9-19-14. LAW ENFORCEMENT RETENTION FUND--CREATED--  
17 RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

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

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

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

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

10                  C. Contingent on the completion of reporting  
11 requirements provided in Subsection H of this section, the  
12 department shall determine and distribute annually the amount  
13 necessary to provide to a law enforcement agency for the  
14 purpose of providing a retention differential disbursement to  
15 full-time certified law enforcement officers employed by that  
16 law enforcement agency. A law enforcement agency shall  
17 expend funding received for no other purpose than that  
18 permitted by this section, and any unexpended balance  
19 received by a law enforcement agency pursuant to this section  
20 at the end of a fiscal year shall revert to the law  
21 enforcement retention fund. The department shall monitor the  
22 use of funding and ensure the proper reversions to the law  
23 enforcement retention fund.

24                  D. A full-time certified law enforcement officer  
25 shall be eligible to receive a retention differential

1 disbursement upon completing four, nine, fourteen and  
2 nineteen years of service from the anniversary of the full-  
3 time certified law enforcement officer's date of hire with a  
4 law enforcement agency. If the officer remains employed as a  
5 full-time certified law enforcement officer at that same law  
6 enforcement agency for an additional year, then the officer  
7 shall receive a retention differential disbursement of five  
8 percent of the officer's annual base salary upon completing  
9 five years of service, upon completing ten years of service,  
10 upon completing fifteen years of service and upon completing  
11 twenty years of service.

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

25 F. After the calculations for retention

1 differential disbursements are made in accordance with  
2 Subsections D and E of this section, if the balance in the  
3 fund is insufficient to permit the total disbursements  
4 provided by Subsections D and E of this section, the  
5 department shall reduce that allocation to the maximum amount  
6 permitted by available money in the fund.

7 G. The amount provided for a retention  
8 differential disbursement shall include the amount of  
9 employer tax liabilities, which shall be paid by the employer  
10 at the time the retention differential disbursement is  
11 provided to the full-time certified law enforcement officer.

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

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

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

25 (3) the number of years of service of each

1 full-time certified law enforcement officer employed by the  
2 law enforcement agency;

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

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

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

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

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

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

24 (10) any changes to compensation,  
25 recruiting, retention or benefits implemented by the law

1 enforcement agency in the last year; and

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

5 I. The department shall:

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

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

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

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

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

24 L. The annual report and other statistical data  
25 reports generated by the department shall be made available

1 to law enforcement agencies and the public.

2 M. The department shall provide annual reports to  
3 the department of finance and administration and the  
4 legislative finance committee about expenditures from the law  
5 enforcement retention fund, including an itemized list of  
6 expenditures and the balance remaining in the fund.

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

11 O. The department shall submit an annual report  
12 providing information collected pursuant to Subsection H of  
13 this section to the governor and the legislature no later  
14 than December 15 of each year.

15 P. As used in this section:

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

22 (2) "law enforcement agency" means an agency  
23 of the state or local political subdivision of the state that  
24 employs certified law enforcement officers or the police  
25 department of a tribe that has entered into an agreement with

1 the department pursuant to Section 29-1-11 NMSA 1978; and

2 (3) "retention differential disbursement"  
3 means the amount disbursed from the law enforcement retention  
4 fund based on a full-time certified law enforcement officer's  
5 service at a law enforcement agency but is not considered  
6 salary for the purpose of calculating retirement benefits."

7 SECTION 2. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2024.

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