

HOUSE BILL 285 HSZCZ

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

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SAFETY; CREATING THE PUBLIC SAFETY
RECRUITMENT BUREAU OF THE NEW MEXICO LAW ENFORCEMENT ACADEMY;
PROVIDING POWERS AND DUTIES; PROVIDING FOR THE DEVELOPMENT OF A
CENTRALIZED PUBLIC SAFETY RECRUITMENT WEBSITE THAT PROVIDES A
ONE-STOP PORTAL FOR STATE AND LOCAL LAW ENFORCEMENT AND SAFETY
AGENCIES TO ADVERTISE EMPLOYMENT OPPORTUNITIES; PROVIDING FOR
THE DEVELOPMENT OF A MEDIA CAMPAIGN TO RECRUIT LAW ENFORCEMENT
AND TELECOMMUNICATOR CAREER CANDIDATES; CREATING AN ADVISORY
COMMITTEE; REQUIRING LAW ENFORCEMENT AGENCIES TO HAVE PLANS TO
RECRUIT MORE WOMEN INTO LAW ENFORCEMENT AND TO PROVIDE
MENTORSHIP AND PEER ASSISTANCE PROGRAMS FOR NEWLY TRAINED AND
OTHER LAW ENFORCEMENT OFFICERS; INCLUDING TELECOMMUNICATORS IN
THE LAW ENFORCEMENT RETENTION FUND; PROVIDING FUNDING FOR THE
NEW MEXICO LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL TO
DEVELOP NEW CURRICULA FOR TELECOMMUNICATORS; MAKING

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1 APPROPRIATIONS.

2

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

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

6 "9-19-14. LAW ENFORCEMENT RETENTION FUND--CREATED--
7 RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

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

15 (1) retention differential disbursements for
16 law enforcement officers and telecommunicators meeting certain
17 levels of tenure; and

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

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

23 C. Contingent on the completion of reporting
24 requirements provided in Subsection G of this section, the
25 department shall determine and distribute annually the amount

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1 necessary [~~to provide to a law enforcement agency for the~~
2 ~~purpose of providing a~~] for law enforcement and safety agencies
3 to provide retention differential [~~disbursement~~] disbursements
4 to law enforcement officers or telecommunicators employed by
5 [~~that~~] the law enforcement or safety agency. A law enforcement
6 or safety agency shall expend funding received for no other
7 purpose than that permitted by this section, and any unexpended
8 balance received by a law enforcement or safety agency pursuant
9 to this section at the end of a fiscal year shall revert to the
10 law enforcement retention fund. The department shall monitor
11 the use of funding and ensure the proper reversions to the law
12 enforcement retention fund.

13 D. A law enforcement officer or telecommunicator
14 shall receive a retention differential disbursement in the
15 amount of five percent of the law enforcement officer's or
16 telecommunicator's salary upon reaching four, nine, fourteen
17 and nineteen years of service from the anniversary of the law
18 enforcement officer's or telecommunicator's date of hire with
19 that law enforcement agency or safety agency; provided that:

20 (1) the law enforcement officer or
21 telecommunicator remains employed as a law enforcement officer
22 or telecommunicator with that same law enforcement or safety
23 agency for one additional year; and

24 (2) the retention differential disbursement
25 shall be calculated based on the salary of the law enforcement

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1 officer or telecommunicator on those dates.

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

9 F. The amount provided for a retention differential
10 disbursement shall include the amount of employer tax
11 liabilities, which shall be paid by the employer at the time
12 the retention differential disbursement is provided to the law
13 enforcement officer or telecommunicator.

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

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

24 (2) the number of law enforcement officers or
25 telecommunicators employed by the law enforcement or safety

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1 agency for the last five years;

2 (3) the number of years of service of each law
3 enforcement officer or telecommunicator employed by the law
4 enforcement or safety agency;

5 (4) the number of law enforcement officers or
6 telecommunicators that left the employ of the law enforcement
7 or safety agency in the last year and the stated reasons why
8 each law enforcement officer or telecommunicator left the
9 employ of the law enforcement or safety agency;

10 (5) the number of years of service of each law
11 enforcement officer or telecommunicator that left the employ of
12 the law enforcement or safety agency in the last year;

13 (6) the number of applicants to the law
14 enforcement or safety agency in the last year;

15 (7) the number of applicants to the law
16 enforcement or safety agency in the last year that attended a
17 law enforcement academy;

18 (8) the number of law enforcement officers or
19 telecommunicators that received one or more certifications in
20 the last year;

21 (9) the number of law enforcement officers or
22 telecommunicators added to the law enforcement or safety agency
23 via lateral transfer and the years of service of each law
24 enforcement officer or telecommunicator at each previous law
25 enforcement or safety agency;

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

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

7 H. The department shall:

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

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

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

16 I. The annual report and other statistical data
17 reports generated by the department shall include an evaluation
18 of a program's efficacy in law enforcement and telecommunicator
19 retention and shall be made available to law enforcement and
20 safety agencies and the public.

21 J. The department shall provide monthly reports to
22 the department of finance and administration and the
23 legislative finance committee about expenditures from the law
24 enforcement retention fund, including an itemized list of
25 expenditures and the balance remaining in the fund.

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1 K. The department may waive reporting information
2 required by a law enforcement or safety agency pursuant to
3 Subsection G of this section; provided that the department
4 shall provide an explanation of its decision in writing.

5 L. The department shall submit an annual report
6 providing information collected pursuant to Subsection G of
7 this section to the governor and the legislature no later than
8 December 15 of each year.

9 M. As used in this section:

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

15 (2) "law enforcement officer" means ~~[a full-~~
16 ~~time salaried public employee of a law enforcement agency, or a~~
17 ~~certified part-time salaried police officer employed by a law~~
18 ~~enforcement agency, whose principal duties under law are to~~
19 ~~hold in custody any person accused of a criminal offense, to~~
20 ~~maintain public order or to make arrests for crimes; and] any~~
21 commissioned and certified employee of a law enforcement
22 agency, which employee is responsible for maintaining the
23 public peace and investigating crimes for referral to a
24 district attorney or tribal or federal authority and enforcing
25 state laws or local ordinances by ticketing, arresting and

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1 charging violators within the law enforcement agency's
2 jurisdiction;

3 (3) "retention differential disbursement"
4 means the amount disbursed from the law enforcement retention
5 fund based on a law enforcement officer's or telecommunicator's
6 service at a law enforcement or safety agency but is not
7 considered salary for the purpose of calculating retirement
8 benefits;

9 (4) "safety agency" means a unit of state or
10 local government or political subdivision that provides police,
11 firefighting or emergency medical services; and

12 (5) "telecommunicator" means an employee or
13 volunteer of a safety agency who:

14 (a) receives calls or dispatches the
15 appropriate personnel or equipment in response to calls for
16 police, fire or medical services; and

17 (b) makes decisions affecting the life,
18 health or welfare of the public or safety employees."

19 SECTION 2. A new section of the Law Enforcement Training
20 Act is enacted to read:

21 "[NEW MATERIAL] PUBLIC SAFETY RECRUITMENT BUREAU--
22 CREATED--CENTRALIZED LAW ENFORCEMENT AND TELECOMMUNICATORS
23 RECRUITMENT WEBSITE--RECRUITMENT MEDIA CAMPAIGN--ADVISORY
24 COMMITTEE--MENTORSHIP PROGRAMS.--

25 A. As used in this section, "participating agency"

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1 means a law enforcement agency or safety agency.

2 B. The "public safety recruitment bureau" is
3 created in the academy to assist the state and political
4 subdivisions of the state in their efforts to recruit and
5 retain law enforcement officers.

6 C. The bureau shall establish and maintain a
7 centralized law enforcement and telecommunicator recruitment
8 website as a one-stop portal for participating agencies to
9 advertise employment opportunities and assist interested
10 persons to find employment in law enforcement or as a
11 telecommunicator.

12 D. A participating agency shall advertise
13 employment opportunities on the website or, if the
14 participating agency has the resources to manage its own
15 recruitment website, provide a link to that website. Persons
16 interested in a law enforcement or telecommunicator career may
17 search the website for employment information by geographic
18 location, type of agency, type of job and other search
19 capabilities provided on the website.

20 E. The bureau shall promulgate rules pertaining to
21 the use and functions of the website and participation by local
22 law enforcement and safety agencies and design website forms
23 for use by participating agencies that contain:

24 (1) each participating agency's role and
25 responsibilities;

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1 (2) the job descriptions and qualifications of
2 open positions; and

3 (3) other information the participating agency
4 provides that describes the benefits of employment with the
5 participating agency.

6 F. The bureau shall keep the website current with
7 correct information.

8 G. The website shall include a standardized initial
9 application form, which shall be filled out by a potential
10 applicant and transmitted to each participating agency
11 requested by the applicant.

12 H. The bureau, with the assistance of the marketing
13 excellence bureau of the marketing division of the tourism
14 department, shall develop a comprehensive media campaign to
15 attract applicants to law enforcement or telecommunicator
16 career opportunities in New Mexico. The campaign shall include
17 the development of a media strategy to reach potential
18 candidates.

19 I. The secretary of public safety shall appoint an
20 advisory committee to advise the bureau in its website and
21 media campaign developments. The advisory committee shall
22 include two members of the council; two members of the board;
23 representatives of state, urban, suburban and rural law
24 enforcement and safety agencies; and other members as
25 determined by the secretary.

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1 J. The bureau shall adopt mentoring guidelines and
2 provide support to law enforcement agencies in developing their
3 own mentoring, coaching and peer assistance programs for newly
4 certified and other law enforcement officers as a means to
5 retain and support officers in their law enforcement careers.

6 K. All law enforcement agencies shall prepare a
7 plan to recruit law enforcement officers from underrepresented
8 demographic groups to ensure force diversity. Each plan shall
9 include the goal of having at least thirty percent of the law
10 enforcement agency's force be women by 2030 and strategies to
11 accomplish that goal."

12 SECTION 3. Section 29-7-7 NMSA 1978 (being Laws 1981,
13 Chapter 114, Section 6, as amended) is amended to read:

14 "29-7-7. DEFINITIONS.--For the purpose of the Law
15 Enforcement Training Act:

16 A. "academy" means the New Mexico law enforcement
17 academy;

18 B. "basic law enforcement training" means a course
19 consisting of not less than four hundred hours of instruction
20 in basic law enforcement training as required by the Law
21 Enforcement Training Act;

22 C. "board" means the law enforcement certification
23 board;

24 D. "conviction" means an adjudication of guilt [~~or~~
25 ~~a plea of no contest~~] and includes [~~convictions~~] sentences that

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1 are suspended or deferred;

2 E. "council" means the New Mexico law enforcement
3 standards and training council;

4 F. "director" means the director of the division;

5 G. "division" means the New Mexico law enforcement
6 academy of the department of public safety;

7 H. "in-service law enforcement training" means a
8 course of instruction required of all certified peace officers
9 and designed to train and equip all police officers in the
10 state with specific law enforcement skills and to ensure the
11 continuing development of all police officers in the state.

12 The training and instruction shall be kept current and employ
13 best practices, and may be conducted on a regional basis at the
14 discretion of the director;

15 I. "law enforcement agency" means an agency of the
16 state or ~~local~~ political subdivision of the state that
17 employs certified law enforcement officers or law enforcement
18 officers of the police department of a tribe that has entered
19 into an agreement with the department of public safety pursuant
20 to Section 29-1-11 NMSA 1978;

21 J. "~~police~~ law enforcement officer" means ~~any~~ a
22 commissioned employee of a law enforcement agency that is part
23 of or administered by the state or ~~any~~ a political
24 subdivision of the state, and includes ~~any~~ an employee of a
25 missile range civilian police department who is a graduate of a

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

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

22 L. "safety agency" means a unit of state or local
23 government or political subdivision that provides police,
24 firefighting or emergency medical services; and

25 M. "telecommunicator" means an employee or

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1 volunteer of a safety agency who:

2 (1) receives calls or dispatches the
3 appropriate personnel or equipment in response to calls for
4 police, fire or medical services; and

5 (2) makes decisions affecting the life, health
6 or welfare of the public or safety employees."

7 SECTION 4. APPROPRIATIONS.--The following amounts are
8 appropriated from the general fund to the department of public
9 safety for expenditure in fiscal years 2025 and 2026 to carry
10 out the following purposes. Any unexpended or unencumbered
11 balance remaining at the end of fiscal year 2026 shall revert
12 to the general fund:

13 A. five hundred thousand dollars (\$500,000) for
14 public safety recruitment bureau salaries and benefits; and
15 office space, equipment, furniture and supplies;

16 B. two hundred fifty thousand dollars (\$250,000)
17 for the development and implementation of the centralized law
18 enforcement and telecommunicator recruitment website;

19 C. five million two hundred fifty thousand dollars
20 (\$5,250,000) for the development and implementation of the
21 recruitment media strategy, including media consultants and
22 advertising purchases;

23 D. three hundred twenty-five thousand dollars
24 (\$325,000) for the public safety recruitment bureau to work
25 with law enforcement agencies and school districts to plan and

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1 offer outreach programs and field trips to the New Mexico law
2 enforcement academy to encourage female high school students to
3 pursue law enforcement careers;

4 E. two hundred fifty thousand dollars (\$250,000)
5 for the public safety recruitment bureau to adopt guidelines
6 and assist law enforcement agencies to implement mentoring,
7 coaching and peer assistance programs;

8 F. five hundred thousand dollars (\$500,000) to
9 expand the law enforcement retention fund to include public
10 safety telecommunicators; and

11 G. three hundred thousand dollars (\$300,000) for
12 the New Mexico law enforcement standards and training council
13 to develop new basic and in-service training for
14 telecommunicators.

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