

HOUSE BILL 473

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO SCHOOL SECURITY PERSONNEL; PROVIDING FOR ASSISTANT SCHOOL SECURITY PERSONNEL WHO ARE REGISTERED LEVEL ONE OR LEVEL TWO SECURITY GUARDS PURSUANT TO THE PRIVATE INVESTIGATIONS ACT AND ESTABLISHING QUALIFICATIONS; PROVIDING THAT RETIRED OR FORMER COMMISSIONED PEACE OFFICERS OR REGISTERED LEVEL THREE SECURITY GUARDS PURSUANT TO THE PRIVATE INVESTIGATIONS ACT MAY BE SCHOOL SECURITY PERSONNEL; AMENDING THE PRIVATE INVESTIGATIONS ACT TO PROVIDE THAT APPLICANTS FOR REGISTRATION AS A LEVEL ONE, LEVEL TWO OR LEVEL THREE SECURITY GUARD MAY BE EMPLOYED BY A SCHOOL DISTRICT OR CHARTER SCHOOL; MAKING CONFORMING AMENDMENTS.

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

SECTION 1. Section 22-10A-40 NMSA 1978 (being Laws 2019, Chapter 189, Section 3) is amended to read:

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1 "22-10A-40. SCHOOL SECURITY PERSONNEL--DEFINITIONS--
2 REQUIRED TRAINING.--

3 A. As used in this section:

4 (1) "assistant school security personnel"
5 means level one or level two security guards registered
6 pursuant to the Private Investigations Act who are employed by
7 a school district and are not authorized to carry a firearm on
8 school premises;

9 [~~1~~] (2) "firearm" means a handgun
10 recommended by the department of public safety and authorized
11 by the public school insurance authority;

12 [~~2~~] (3) "local school board" includes
13 governing bodies of charter schools;

14 [~~3~~] (4) "school district" includes charter
15 schools;

16 [~~4~~] (5) "school premises" means:

17 (a) the buildings and grounds, including
18 playgrounds, playing fields and parking areas, and any school
19 bus of a public school, whether owned by the school district or
20 under contract, in or on which school or school-related
21 activities are being conducted under the supervision of the
22 local school board; or

23 (b) any other public buildings or
24 grounds, including playing fields and parking areas that are
25 not public school property, in or on which school-related and

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1 school-sanctioned activities are being performed; and

2 [~~(5)~~] (6) "school security personnel" means
3 retired or former certified and commissioned law enforcement
4 officers, retired or former commissioned peace officers or
5 level three security guards registered pursuant to the Private
6 Investigations Act who are employed by a school district and
7 authorized by department rules and local school board policy to
8 carry a firearm on school premises.

9 B. The department shall promulgate rules to carry
10 out the purposes of this section.

11 C. The department shall promulgate rules pertaining
12 to persons who are prohibited from employment as school
13 security personnel, including:

14 (1) the applicability of Paragraph (1) or (3)
15 of Subsection A of Section 28-2-4 NMSA 1978 for criminal
16 offenders;

17 (2) the commitment of a felony; a misdemeanor
18 involving moral turpitude that has bearing on the job of school
19 security personnel; formal discipline for the use of excessive
20 force; or misconduct or crimes that include inappropriate
21 touching, sexual harassment, sexual assault, sexual abuse,
22 discrimination, behavior intended to induce a child into
23 engaging in illegal, immoral or other prohibited behavior,
24 crimes against children and dependents or sexual exploitation
25 of children; and

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1 (3) negligent or illegal use of a firearm.

2 D. Prior to an offer of employment, the school
3 district shall require for each potential school security
4 personnel:

5 (1) proof that the retired or former law
6 enforcement officer was certified and commissioned or that the
7 retired or former peace officer was commissioned for no less
8 than three years and left law enforcement in good standing or
9 proof that the level three security guard holds a valid
10 registration pursuant to Section 61-27B-18 NMSA 1978;

11 (2) successful completion of school security
12 personnel training;

13 (3) proof of up-to-date firearms training;

14 (4) a background check that indicates the
15 person has not been convicted of a crime or engaged in behavior
16 that violates the School Personnel Act; and

17 (5) any other conditions required by law,
18 department rule or school district policy.

19 E. Prior to an offer of employment, the school
20 district shall require for each potential assistant school
21 security personnel:

22 (1) proof that the level one or level two
23 security guard holds or is eligible to hold a valid
24 registration pursuant to Section 61-27B-16 or 61-27B-17 NMSA
25 1978;

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1 (2) successful completion of school security
2 personnel training;

3 (3) a background check that indicates the
4 person has not been convicted of a crime or engaged in behavior
5 that violated the School Personnel Act; and

6 (4) any other conditions required by law,
7 department rule or school district policy.

8 ~~[E.]~~ F. School security personnel shall not perform
9 any other job in the school district, by title or duty, other
10 than school security while carrying a firearm.

11 ~~[F.]~~ G. Prior to school security personnel being
12 allowed to carry firearms authorized by department rules and
13 local school board policy, the school security personnel must
14 successfully pass a physical and psychological evaluation as
15 prescribed by the department in consultation with the public
16 school insurance authority to determine suitability to carry a
17 firearm. The school district shall pay the cost of the
18 physical and psychological evaluations for current and
19 potential school security personnel.

20 ~~[G.]~~ H. The department and the public school
21 insurance authority shall approve one or more school security
22 personnel and firearms training programs. Approved programs
23 must include working with students with special needs, cultural
24 competency and prohibited profiling practices. The department
25 of public safety shall make recommendations for firearms

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1 training."

2 SECTION 2. Section 61-27B-16 NMSA 1978 (being Laws 2007,
3 Chapter 115, Section 16) is amended to read:

4 "61-27B-16. SECURITY GUARD--LEVEL ONE--REGISTRATION--
5 REQUIREMENTS.--

6 A. On or after July 1, 2007, every individual
7 seeking employment or employed as a level one security guard
8 shall file an application for registration with the department.

9 B. The department shall issue a registration for a
10 level one security guard to an individual who files a completed
11 application accompanied by the required fees and who submits
12 satisfactory evidence that the applicant:

13 (1) is at least eighteen years of age;

14 (2) is of good moral character;

15 (3) has successfully completed an examination
16 as required by department rule;

17 (4) has not been convicted of a felony or an
18 offense involving dishonesty, an offense involving an
19 intentional violent act or the illegal use or possession of a
20 deadly weapon and has not been found to have violated
21 professional ethical standards;

22 (5) has completed a curriculum approved in
23 department rule consisting of level one security guard training
24 prior to being placed on a guard post for the first time as a
25 level one security guard; that training may be provided by:

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1 (a) a public educational institution in
2 New Mexico or an educational institution licensed by the higher
3 education department pursuant to the Post-Secondary Educational
4 Institution Act;

5 (b) an in-house training program
6 provided by a licensed private patrol company using a
7 curriculum approved by the department; or

8 (c) any other department-approved
9 educational institution using a curriculum approved by the
10 department and complying with department standards set forth in
11 department rules;

12 (6) is employed by a private patrol company
13 under the direct supervision of a licensed private patrol
14 operator, a level three security guard or a private patrol
15 operations manager or by a school district or charter school;
16 and

17 (7) meets other requirements set forth in
18 department rules.

19 C. A private patrol company, school district or
20 charter school shall notify the department within thirty days
21 from the date of termination of a level one security guard of
22 the employment termination."

23 SECTION 3. Section 61-27B-17 NMSA 1978 (being Laws 2007,
24 Chapter 115, Section 17) is amended to read:

25 "61-27B-17. SECURITY GUARD--LEVEL TWO--REGISTRATION--
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1 REQUIREMENTS.--

2 A. On or after July 1, 2007, every individual
3 seeking employment or employed as a level two security guard
4 shall file an application for registration with the department.

5 B. The department shall issue a registration for a
6 level two security guard to an individual who files a completed
7 application accompanied by the required fees and who submits
8 satisfactory evidence that the applicant:

9 (1) meets the requirements to be granted
10 registration as a level one security guard and maintains in
11 good standing a current registration as a level one security
12 guard;

13 (2) has successfully completed an examination
14 as required by department rule;

15 (3) possesses a high school diploma or its
16 equivalent;

17 (4) in addition to the training required to be
18 registered as a level one security guard, has completed a
19 curriculum approved in department rule of level two security
20 guard training prior to being placed on a guard post for the
21 first time as a level two security guard; that training may be
22 provided by:

23 (a) a public educational institution in
24 New Mexico or an educational institution licensed by the higher
25 education department pursuant to the Post-Secondary Educational

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1 Institution Act;

2 (b) an in-house training program
3 provided by a licensed private patrol company using a
4 curriculum approved by the department;

5 (c) the New Mexico law enforcement
6 academy; or

7 (d) any other department-approved
8 educational institution using a curriculum approved by the
9 department and complying with department standards set forth in
10 department rules;

11 (5) is employed by a private patrol company
12 under the direct supervision of a licensed private patrol
13 operator, a level three security guard or a private patrol
14 operations manager or by a school district or charter school;
15 and

16 (6) meets other requirements set forth in
17 department rules.

18 C. A private patrol company, school district or
19 charter school shall notify the department within thirty days
20 from the date of termination of a level two security guard of
21 the employment termination."

22 SECTION 4. Section 61-27B-18 NMSA 1978 (being Laws 2007,
23 Chapter 115, Section 18, as amended) is amended to read:

24 "61-27B-18. SECURITY GUARD--LEVEL THREE--REGISTRATION--
25 REQUIREMENTS.--

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1 A. Every individual seeking employment or employed
2 as a level three security guard shall file an application for
3 registration with the department.

4 B. The department shall issue a registration for a
5 level three security guard to an individual who files a
6 completed application accompanied by the required fees and who
7 submits satisfactory evidence that the applicant:

8 (1) is at least twenty-one years of age;

9 (2) meets the requirements to be granted
10 registration as a level two security guard and maintains in
11 good standing a current registration as a level two security
12 guard;

13 (3) has successfully completed an examination
14 as required by department rule;

15 (4) possesses a high school diploma or its
16 equivalent;

17 (5) in addition to the training required to be
18 registered as a level two security guard and before the
19 applicant shall be placed for the first time at a guard post as
20 a level three security guard, has completed a curriculum
21 approved by the department consisting of the minimum training
22 for firearm certification prescribed by the department;
23 provided that the additional training required by the
24 department is provided by:

25 (a) a public educational institution in

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1 New Mexico or an educational institution licensed by the higher
2 education department pursuant to the Post-Secondary Educational
3 Institution Act;

4 (b) an in-house training program
5 provided by a licensed private patrol company using a
6 curriculum approved by the department;

7 (c) the New Mexico law enforcement
8 academy; or

9 (d) any other department-approved
10 educational institution using a curriculum approved by the
11 department and complying with department standards set forth in
12 department rules;

13 (6) is firearm certified by the New Mexico law
14 enforcement academy or the national rifle association;

15 (7) is employed by a private patrol company
16 under the direct supervision of a licensed private patrol
17 operator, another level three security guard or a private
18 patrol operations manager or by a school district or charter
19 school; and

20 (8) meets other requirements set forth in
21 department rules.

22 C. A private patrol company, school district or
23 charter school shall notify the department within thirty days
24 from the date of termination of a level [~~two~~] three security
25 guard of the employment termination."

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