

1 SENATE BILL 375

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; PROVIDING FOR NEW AREAS OF EMERGENCY
12 RESPONDER TRAINING; CREATING A LAW ENFORCEMENT OFFICER
13 DATABASE; CREATING THE LAW ENFORCEMENT CERTIFICATION BOARD;
14 MAKING AN APPROPRIATION.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 24-10B-4.2 NMSA 1978 (being Laws 2003,
18 Chapter 243, Section 12) is amended to read:

19 "24-10B-4.2. APPROVED TRAINING PROGRAMS.--

20 A. Approved emergency medical services training
21 programs for providers are an integral part of the emergency
22 medical services system and the programs shall include:

23 [~~A.~~] (1) improving and expanding emergency
24 medical services within regions through focused emergency
25 medical services educational activities;

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1 [~~B.~~] (2) furthering the knowledge base of
2 emergency medical services education; and

3 [~~G.~~] (3) securing physicians as medical
4 directors to advise approved training programs in medical
5 matters and to serve as liaison to the state emergency medical
6 services medical director and the medical community as a whole.

7 B. Emergency medical services training programs
8 shall include:

9 (1) crisis management and intervention;

10 (2) dealing with individuals who are
11 experiencing mental health issues;

12 (3) methods of de-escalation;

13 (4) peer-to-peer intervention;

14 (5) stress management; and

15 (6) racial sensitivity."

16 SECTION 2. Section 24-10B-12 NMSA 1978 (being Laws 1993,
17 Chapter 161, Section 7, as amended) is amended to read:

18 "24-10B-12. ACADEMY--DUTIES.--The academy is designated
19 as the lead emergency medical services training agency. Its
20 duties include:

21 A. administering formal emergency medical services
22 training conducted in New Mexico, other than training provided
23 by other approved emergency medical services training programs;

24 B. furthering the knowledge of emergency medical
25 services education;

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1 C. securing a physician as its medical director to
2 advise it in medical matters and to serve as liaison to the
3 state emergency medical services medical director and the
4 medical community as a whole;

5 D. supporting, promoting and conducting scholarly
6 research regarding emergency medical services; ~~and~~

7 E. reporting and publishing emergency medical
8 services information; and

9 F. ensuring that medical services training programs
10 approved by the state include training in:

11 (1) crisis management and intervention;

12 (2) dealing with individuals who are
13 experiencing mental health issues;

14 (3) methods of de-escalation;

15 (4) peer-to-peer intervention;

16 (5) stress management; and

17 (6) racial sensitivity."

18 SECTION 3. Section 29-7-3 NMSA 1978 (being Laws 1979,
19 Chapter 202, Section 42, as amended) is amended to read:

20 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

21 A. There is created the "New Mexico law enforcement
22 academy board".

23 ~~[B. The academy shall be controlled and supervised~~
24 ~~by policy set by the board. The board shall be composed of the~~
25 ~~attorney general, who shall serve automatically by reason of~~

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1 ~~office and serve as chair of the board, and eight members who~~
2 ~~are qualified electors to be appointed by the governor and~~
3 ~~confirmed by the senate. An appointed board member shall serve~~
4 ~~and have all of the duties, responsibilities and authority of~~
5 ~~that office during the period prior to the final action by the~~
6 ~~senate in confirming or rejecting the appointment.]~~

7 B. The board shall develop and adopt basic training
8 and in-service training standards for police officers and
9 telecommunicators in New Mexico.

10 C. The board shall be composed of the director of
11 the New Mexico law enforcement academy and the directors of all
12 the satellite law enforcement academies, who shall serve
13 automatically by reason of their position. The remaining seven
14 members of the board shall be appointed by the governor and
15 confirmed by the senate. An appointed board member shall serve
16 and have all of the duties, responsibilities and authority of
17 that office during the period prior to the final action by the
18 senate in confirming or rejecting the appointment. The members
19 appointed by the governor shall consist of one attorney who is
20 currently employed in a district attorney's office; one
21 attorney who is currently employed by the public defender
22 department; one certified police chief of a New Mexico Indian
23 nation, tribe or pueblo; two members who have experience and
24 specialize in providing adult education; and two citizen-at-
25 large members, one of whom shall have experience as a

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1 behavioral health provider and neither of whom shall be a
2 police officer or retired police officer or have familial or
3 financial connections to a police officer or any agency or
4 department for which a police officer works. Vacancies shall
5 be filled by the governor for the unexpired term.

6 ~~[G.]~~ D. Appointments to the board shall be for
7 terms of four years or less made in such manner that the terms
8 of not more than two members expire on July 1 of each year.

9 ~~[At all times, the board shall have represented on it, as~~
10 ~~members, one municipal police chief, one sheriff, one state~~
11 ~~police officer, one attorney who is currently employed in a~~
12 ~~district attorney's office, one certified police chief of a New~~
13 ~~Mexico Indian tribe or pueblo, one certified New Mexico police~~
14 ~~officer holding the rank of sergeant or below and two citizen-~~
15 ~~at-large members, neither of whom shall be a police officer or~~
16 ~~retired police officer or have familial or financial~~
17 ~~connections to a police officer or any agency or department for~~
18 ~~which a police officer works. Vacancies shall be filled by the~~
19 ~~governor for the unexpired term.~~

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

23 SECTION 4. Section 29-7-4 NMSA 1978 (being Laws 1969,
24 Chapter 264, Section 6, as amended) is amended to read:

25 "29-7-4. POWERS AND DUTIES OF BOARD.--The board shall:

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1 ~~[A. approve or disapprove the appointment of the~~
2 ~~director by the secretary;~~

3 ~~B.]~~ A. develop ~~[and implement]~~ a planned program,
4 to be implemented by the director, of:

5 (1) basic law enforcement training and
6 in-service law enforcement training, a portion of which may be
7 conducted on a regional basis; and

8 (2) basic telecommunicator training and
9 in-service telecommunicator training, as provided in the Public
10 Safety Telecommunicator Training Act, a portion of which may be
11 conducted on a regional basis;

12 ~~[C.]~~ B. prescribe qualifications for instructors
13 and prescribe courses of instruction for:

14 (1) basic law enforcement training and
15 in-service law enforcement training; and

16 (2) basic telecommunicator training and
17 in-service telecommunicator training, as provided in the Public
18 Safety Telecommunicator Training Act;

19 ~~[D.]~~ C. report annually to the governor;

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

24 ~~[F.]~~ E. adopt, publish and file, in accordance with
25 the provisions of the State Rules Act, all regulations and

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1 rules concerning ~~[the operation of the academy and]~~ the
2 implementation and enforcement of the provisions of the Law
3 Enforcement Training Act and the Public Safety Telecommunicator
4 Training Act.

5 ~~[G. issue, grant, deny, renew, suspend or revoke a:~~

6 ~~(1) peace officer's certification for any~~
7 ~~cause set forth in the provisions of the Law Enforcement~~
8 ~~Training Act; and~~

9 ~~(2) telecommunicator's certification for any~~
10 ~~just cause set forth in the Public Safety Telecommunicator~~
11 ~~Training Act;~~

12 ~~H. administer oaths, subpoena persons and take~~
13 ~~testimony on any matter within the board's jurisdiction; and~~

14 ~~I. perform all other acts appropriate to the~~
15 ~~development and operation of the academy.]"~~

16 SECTION 5. A new section of the Law Enforcement Training
17 Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

18 "29-7-4.3. [NEW MATERIAL] LAW ENFORCEMENT OFFICER
19 TRAINING.--The curriculum of each basic law enforcement
20 training class and in-service training each year for certified
21 police officers shall include:

22 A. crisis management and intervention;

23 B. dealing with individuals who are experiencing
24 mental health issues;

25 C. methods of de-escalation;

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- 1 D. peer-to-peer intervention;
- 2 E. stress management;
- 3 F. racial sensitivity;
- 4 G. reality-based situational training; and
- 5 H. use of force training that includes the
- 6 elimination of vascular neck restraints."

7 SECTION 6. Section 29-7-5 NMSA 1978 (being Laws 1969,
8 Chapter 264, Section 7, as amended) is amended to read:

9 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director
10 shall be under the supervision and direction of the secretary
11 of public safety. The director shall:

12 A. be the chief executive officer of the academy
13 and employ necessary personnel;

14 B. issue a certificate of completion to any person
15 who:

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

20 (2) graduates from an approved basic
21 telecommunicator training program and who satisfies the
22 qualifications for certification as set forth in the Public
23 Safety Telecommunicator Training Act;

24 C. perform all other acts necessary and appropriate
25 to the carrying out of [~~his~~] the director's duties;

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1 ~~[D. act as executive secretary to the board;~~
2 ~~E. carry out the policy as set by the]~~
3 D. implement the training standards and
4 requirements developed and adopted by the board; and

5 ~~[F.]~~ E. annually evaluate the courses of
6 instruction being offered by the academy and make necessary
7 modifications and adjustments to the programs."

8 SECTION 7. Section 29-13-4 NMSA 1978 (being Laws 1993,
9 Chapter 179, Section 6, as amended) is amended to read:

10 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
11 DISTRIBUTION.--

12 A. Annually on or before April 15, the division
13 shall consider and determine the relative needs as requested by
14 tribal, municipal, school district and university police
15 departments, county sheriff's departments, the department of
16 public safety and the academy for money in the fund in the
17 succeeding fiscal year pursuant to the provisions of
18 Subsections ~~[G]~~ D and ~~[E]~~ F of this section.

19 B. As necessary during the year, the division shall
20 transfer an amount from the fund to the peace officers', New
21 Mexico mounted patrol members' and reserve police officers'
22 survivors fund that enables the balance of the peace officers',
23 New Mexico mounted patrol members' and reserve police officers'
24 survivors fund to be maintained at a minimum balance of three
25 hundred fifty thousand dollars (\$350,000).

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1 C. The division shall transfer six million dollars
2 (\$6,000,000) to the academy for the purpose of implementing the
3 Law Enforcement Training Act.

4 ~~[C.]~~ D. The division shall determine the rate of
5 distribution of money in the fund as follows:

6 (1) all municipal police, school district
7 police and county sheriff's departments shall be entitled to a
8 rate of distribution of forty-five thousand dollars (\$45,000);

9 (2) university police departments shall be
10 entitled to a rate of distribution of forty-five thousand
11 dollars (\$45,000);

12 (3) the academy shall be entitled to a rate of
13 distribution of twenty-four thousand five hundred dollars
14 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
15 1978;

16 (4) tribal police departments shall be
17 entitled, unless allocations are adjusted pursuant to the
18 provisions of Subsection ~~[D]~~ E of this section, to one thousand
19 dollars (\$1,000) for each commissioned peace officer in the
20 tribe. To be counted as a commissioned peace officer for the
21 purposes of this paragraph, a commissioned peace officer shall
22 have been assigned to duty and have worked in New Mexico for no
23 fewer than two hundred days in the calendar year immediately
24 prior to the date of payment. Payments shall be made for only
25 those divisions of the tribal police departments that perform

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1 services in New Mexico. A tribal police department shall not
2 be eligible for any disbursement under the fund if commissioned
3 peace officers cite non-Indians into the tribal court for civil
4 or criminal citations;

5 (5) municipal, school district and university
6 police and county sheriff's departments shall be entitled,
7 unless allocations are adjusted pursuant to the provisions of
8 Subsection [~~D~~] E of this section, to one thousand dollars
9 (\$1,000) for each police officer or sheriff's deputy employed
10 full time by that department who has been certified by the
11 academy, or by a regional law enforcement training facility in
12 the state certified by the director of the academy, as a police
13 officer or has been authorized to act as a New Mexico peace
14 officer pursuant to the provisions of Section 29-1-11 NMSA
15 1978; and

16 (6) municipal police, sheriff's and school
17 district police departments that assign officers as school
18 resource officers shall be entitled to one thousand dollars
19 (\$1,000) for each assigned school resource officer's training
20 pursuant to Section [~~1 of this 2020 act~~] 29-7-14 NMSA 1978.

21 [~~D~~.] E. After distributions are determined in
22 accordance with Subsection A, Subsection B and Paragraphs (1),
23 (2), (3) and (6) of Subsection [~~E~~] D of this section, if the
24 balance in the fund is insufficient to permit the total
25 allocations provided by Paragraphs (4) and (5) of Subsection

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1 [G] D of this section, the division shall reduce that
2 allocation to the maximum amount permitted by available money.

3 [E-] F. After all distributions have been made in
4 accordance with Subsections A through [D] E of this section,
5 and if the balance in the fund is sufficient, the department of
6 public safety shall be entitled to a rate of distribution of
7 not more than two million dollars (\$2,000,000)."

8 SECTION 8. Section 59A-52-6 NMSA 1978 (being Laws 1984,
9 Chapter 127, Section 952, as amended) is amended to read:

10 "59A-52-6. FIRE PROTECTION TRAINING PROGRAMS.--The state
11 fire marshal shall establish and conduct training programs
12 throughout the state for demonstrating and teaching
13 firefighters proper methods of preventing and extinguishing
14 fires. The training programs also shall include:

- 15 A. crisis management and intervention;
- 16 B. dealing with individuals who are experiencing
17 mental health issues;
- 18 C. methods of de-escalation;
- 19 D. peer-to-peer intervention;
- 20 E. stress management; and
- 21 F. racial sensitivity."

22 SECTION 9. A new section of the Department of Public
23 Safety Act is enacted to read:

24 "[NEW MATERIAL] LAW ENFORCEMENT OFFICER DATABASE.--

25 A. By no later than December 31, 2021, the

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1 secretary shall create a database to coordinate the sharing of
2 information among state, local and federal law enforcement
3 agencies concerning instances of excessive use of force related
4 to law enforcement matters, accounting for applicable privacy
5 and due process rights.

6 B. The database provided for in Subsection A of
7 this section shall include a mechanism to track, as
8 permissible, terminations or decertifications of law
9 enforcement officers, criminal convictions of law enforcement
10 officers for on-duty conduct and civil judgments against law
11 enforcement officers for improper use of force. The database
12 shall account for instances where a law enforcement officer
13 resigns or retires while under active investigation related to
14 the use of force. The secretary shall take appropriate steps
15 to ensure that the information in the database consists only of
16 instances in which law enforcement officers were afforded due
17 process.

18 C. Upon a particularized showing of the need for
19 the requested data, the secretary shall make available to a law
20 enforcement agency data regarding specific law enforcement
21 officers whose identity has been entered into the database
22 described in Subsection A of this section.

23 D. The secretary shall regularly and periodically
24 make available to the public aggregated and anonymized data
25 from the database described in Subsection A of this section.

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1 E. As used in this section:

2 (1) "law enforcement agency" means the police
3 department of a municipality, the sheriff's office of a county,
4 the New Mexico state police or the department; and

5 (2) "law enforcement officer" means a state or
6 municipal police officer, county sheriff, deputy sheriff,
7 conservation officer, motor transportation enforcement officer
8 or other state employee authorized by state law to enforce
9 criminal statutes."

10 SECTION 10. [NEW MATERIAL] LAW ENFORCEMENT CERTIFICATION
11 BOARD--APPOINTMENT--POWERS AND DUTIES.--

12 A. The "law enforcement certification board" is
13 established and administratively attached to the department of
14 public safety as an independent board. The board shall consist
15 of nine members appointed by the governor with the advice and
16 consent of the senate. No more than five members of the board
17 shall be members of the same political party. The members of
18 the board shall be appointed for five-year terms. Two of the
19 initial board members shall be appointed for one-year terms;
20 two of the initial board members shall be appointed for two-
21 year terms; two of the initial board members shall be appointed
22 for three-year terms; two of the initial board members shall be
23 appointed for four-year terms; and one of the initial board
24 members shall be appointed for a five-year term.

25 B. The law enforcement certification board

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1 membership shall include the following:

2 (1) a retired judge who shall serve as chair
3 of the board;

4 (2) a municipal peace officer;

5 (3) a sheriff;

6 (4) a tribal law peace officer;

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

10 (6) an attorney in private practice that
11 represents public entities in civil rights claims; and

12 (7) an attorney who is employed by the public
13 defender department.

14 C. The law enforcement certification board may:

15 (1) issue, deny, renew, suspend or revoke:

16 (a) a peace officer's certification for
17 just cause as provided in the Law Enforcement Training Act; and

18 (b) a telecommunicator's certification
19 for just cause as provided in the Public Safety
20 Telecommunicator Training Act; and

21 (2) conduct investigations, administer oaths
22 and subpoena persons as necessary to make determination
23 regarding fitness of a law enforcement officer to execute a law
24 enforcement officer's duties.

25 D. The law enforcement certification board may

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1 require by subpoena the attendance of witnesses or the
2 production of records and other evidence relevant to an
3 investigation and shall have such other powers and duties and
4 administer or enforce such other acts as further provided by
5 law.

6 E. The law enforcement certification board shall
7 appoint a chief executive officer to assist the board in
8 carrying out its functions. The chief executive officer shall
9 employ persons as necessary to assist the law enforcement
10 certification board in carrying out its functions.

11 F. The law enforcement certification board shall
12 issue a certificate of completion and certification 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 G. Members of the law enforcement certification
21 board shall receive, for their service as members of the board,
22 per diem and mileage as provided in the Per Diem and Mileage
23 Act.

24 SECTION 11. EFFECTIVE DATE.--

25 A. The effective date of the provisions of Sections

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1 1 through 6 and 8 through 10 of this act is July 1, 2021.

2 B. The effective date of the provisions of Section
3 7 of this act is July 1, 2022.

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