

1 HOUSE BILL 286

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

3 INTRODUCED BY

4 Antonio Maestas

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; APPLYING THE PROCEDURES OF THE
12 UNIFORM LICENSING ACT TO THE NEW MEXICO LAW ENFORCEMENT ACADEMY
13 BOARD; PROVIDING THAT SUSPENSIONS OR REVOCATIONS OF POLICE
14 OFFICER CERTIFICATIONS SHALL BE ADMINISTERED BY THE REGULATION
15 AND LICENSING DEPARTMENT INSTEAD OF THE PUBLIC SAFETY ADVISORY
16 COMMISSION; ELIMINATING THE APPEAL PROCESS; AMENDING SECTION
17 29-2-1.1 NMSA 1978 (BEING LAWS 1987, CHAPTER 254, SECTION 18,
18 AS AMENDED) TO REMOVE THE PUBLIC SAFETY ADVISORY COMMISSION;
19 ABOLISHING THE PUBLIC SAFETY ADVISORY COMMISSION; REPEALING THE
20 PEACE OFFICER'S EMPLOYER-EMPLOYEE RELATIONS ACT.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. Section 29-7-13 NMSA 1978 (being Laws 1993,
24 Chapter 255, Section 10) is amended to read:

25 "29-7-13. REFUSAL, SUSPENSION OR REVOCATION OF

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1 CERTIFICATION.--

2 A. After consultation with the employing agency,
3 the board may refuse to issue or the regulation and licensing
4 department may suspend or revoke a police officer's
5 certification when the board or the regulation and licensing
6 department determines that a person has:

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

9 (2) committed acts that constitute dishonesty
10 or fraud;

11 (3) been convicted of, pled guilty to or
12 entered a plea of no contest to:

13 (a) any felony charge; or

14 (b) any violation of federal or state
15 law or a local ordinance relating to aggravated assault, theft,
16 driving while under the influence of intoxicating liquor or
17 drugs, controlled substances or any law or ordinance involving
18 moral turpitude; or

19 (4) knowingly made any false statement in
20 [his] an application for certification.

21 ~~[B. The board shall develop, adopt and promulgate~~
22 ~~administrative procedures for suspension or revocation of a~~
23 ~~police officer's certification that include notice and an~~
24 ~~opportunity for the affected police officer to be heard, as~~
25 ~~well as procedures for review of the board's decision.]~~

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1 B. Except as provided in Section 29-7-15 NMSA 1978,
2 the Uniform Licensing Act applies to the board when issuing or
3 refusing to issue a police officer certification or to the
4 regulation and licensing department when contemplating
5 suspending or revoking a police officer certification."

6 SECTION 2. Section 61-1-1 NMSA 1978 (being Laws 1957,
7 Chapter 247, Section 1, as amended) is amended to read:

8 "61-1-1. SHORT TITLE.--~~[Sections 67-26-1 through 67-26-31~~
9 ~~NMSA 1953]~~ Chapter 61, Article 1 NMSA 1978 may be cited as the
10 "Uniform Licensing Act"."

11 SECTION 3. Section 61-1-2 NMSA 1978 (being Laws 1957,
12 Chapter 247, Section 2, as amended) is amended to read:

13 "61-1-2. DEFINITIONS.--As used in the Uniform Licensing
14 Act:

15 A. "board" means:

16 (1) the construction industries commission,
17 the construction industries division and the electrical bureau,
18 mechanical bureau and general construction bureau of the
19 construction industries division of the regulation and
20 licensing department;

21 (2) the manufactured housing committee and
22 manufactured housing division of the regulation and licensing
23 department;

24 (3) a board, commission or agency that
25 administers a profession or occupation licensed pursuant to

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1 Chapter 61 NMSA 1978; [~~and~~]

2 (4) the New Mexico law enforcement academy
3 board when administering police officer certification;

4 (5) the regulation and licensing department
5 when administering police officer certification; and

6 [~~(4)~~] (6) any other state agency to which the
7 Uniform Licensing Act is applied by law;

8 B. "applicant" means a person who has applied for a
9 license;

10 C. "license" means a certificate, permit or other
11 authorization to engage in each of the professions and
12 occupations regulated by the boards enumerated in Subsection A
13 of this section;

14 D. "revoke a license" means to prohibit the conduct
15 authorized by the license; and

16 E. "suspend a license" means to prohibit, for a
17 stated period of time, the conduct authorized by the license.
18 "Suspend a license" also means to allow, for a stated period of
19 time, the conduct authorized by the license, subject to
20 conditions that are reasonably related to the grounds for
21 suspension [~~and~~

22 ~~F. "emergency" includes any man-made or natural~~
23 ~~disaster causing or threatening widespread physical or economic~~
24 ~~harm that is beyond local control and requires the resources of~~
25 ~~the state]."~~

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1 SECTION 4. Section 29-2-1.1 NMSA 1978 (being Laws 1987,
2 Chapter 254, Section 18, as amended) is amended to read:

3 "29-2-1.1. DEFINITIONS.--As used in Chapter 29 NMSA 1978:

4 A. "chief" or "chief of the state police" means the
5 director of the New Mexico state police division of the
6 department;

7 ~~[B. "commission" means the public safety advisory~~
8 ~~commission;~~

9 ~~G.]~~ B. "department" means the department of public
10 safety;

11 ~~[D.]~~ C. "member of the New Mexico state police"
12 means a commissioned officer of the New Mexico state police,
13 including an officer who is certified and commissioned as of
14 June 30, 2015 in the former motor transportation division or
15 the former special investigations division;

16 ~~[E.]~~ D. "New Mexico law enforcement academy" or
17 "academy" means a division of the department established
18 pursuant to the Law Enforcement Training Act;

19 ~~[F.]~~ E. "New Mexico state police" means the New
20 Mexico state police division of the department; and

21 ~~[G.]~~ F. "secretary" means the secretary of public
22 safety."

23 SECTION 5. Section 29-2-11 NMSA 1978 (being Laws 1941,
24 Chapter 147, Section 11, as amended by Laws 2006, Chapter 11,
25 Section 1 and by Laws 2006, Chapter 12, Section 1) is amended

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1 to read:

2 "29-2-11. DISCIPLINARY [~~PROCEEDINGS—APPEAL~~] ACTION.--

3 A. A New Mexico state police officer holding a
4 permanent commission shall not be removed from office, demoted
5 or suspended except for incompetence, neglect of duty,
6 violation of a published rule of conduct, malfeasance in office
7 or conduct unbecoming an officer [~~except as provided in this~~
8 ~~section~~]. A probationary officer not holding a permanent
9 commission may be removed from office, demoted or suspended in
10 accordance with New Mexico state police rules.

11 B. The secretary may suspend an officer for
12 disciplinary reasons [~~for not more than thirty days in~~
13 ~~accordance with New Mexico state police rules~~] without further
14 review or appeal.

15 C. In the event an officer is removed from office,
16 demoted or suspended for a period of more than thirty days, the
17 secretary shall provide written notification of the grounds
18 supporting the action to the officer. [~~The officer may appeal~~
19 ~~the secretary's action to the commission within thirty days of~~
20 ~~the date of receipt of the secretary's written notification.~~
21 ~~The appeal process shall be public and conducted in accordance~~
22 ~~with New Mexico state police rules.~~

23 ~~D. In the event the commission finds that there is~~
24 ~~just cause for the removal, demotion or suspension of the~~
25 ~~officer for a period in excess of thirty days, the officer may~~

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1 ~~appeal the decision of the commission to the district court~~
2 ~~pursuant to the provisions of Section 39-3-1.1 NMSA 1978.]"~~

3 SECTION 6. REPEAL.--

4 A. Section 9-19-11 NMSA 1978 (being Laws 1987,
5 Chapter 254, Section 12, as amended) is repealed.

6 B. Sections 29-14-1 through 29-14-11 NMSA 1978
7 (being Laws 1991, Chapter 117, Sections 1 through 11) are
8 repealed.

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