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SENATE BILL 102

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO COUNTIES; PROVIDING FOR QUALIFICATIONS TO SERVE AS
SHERIFF; CONFORMING SECTION 29-7-6.1 NMSA 1978 (BEING LAWS
1993, CHAPTER 255, SECTION 7, AS AMENDED) TO THESE
QUALIFICATIONS.

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

SECTION 1. A new section of Chapter 4, Article 41 NMSA
1978 is enacted to read:

"[NEW MATERIAL] SHERIFF--QUALIFICATIONS.--

A. In addition to other requirements imposed by
law, in order to be elected or appointed as a sheriff, a person
shall meet the following qualifications:

(1) have at least five years of professional
law enforcement experience that may include military law
enforcement experience;

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1 (2) be a resident of the state for one year
2 and a resident of the county for which the person is seeking to
3 be elected or appointed sheriff;

4 (3) hold a certificate attesting to completion
5 of a basic law enforcement training program pursuant to Section
6 29-7-6.1 NMSA 1978; and

7 (4) not have been recalled from public office.

8 B. If a sheriff does not maintain a residence in
9 the county in which the sheriff was elected or appointed, the
10 sheriff shall be deemed to have resigned.

11 C. A voter may challenge the candidacy for election
12 to the office of sheriff of any person seeking nomination on
13 the grounds that the person seeking nomination does not meet
14 the qualification requirements of Subsection A of this section.
15 The challenge shall be made by filing a petition in the
16 district court within ten days after the day for filing a
17 declaration of candidacy, which petition shall be heard in the
18 same manner as provided in Subsection F of Section 1-8-26 NMSA
19 1978."

20 SECTION 2. Section 29-7-6.1 NMSA 1978 (being Laws 1993,
21 Chapter 255, Section 7, as amended) is amended to read:

22 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

23 A. Every county sheriff elected or appointed to
24 office prior to July 1, 2018, except sheriffs who have
25 previously been awarded a certificate attesting to completion

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1 of a basic law enforcement training program, shall participate
2 in and complete an administrative law enforcement training
3 program no later than twelve months after the date the sheriff
4 assumes office as a county sheriff. Beginning on July 1, 2018,
5 no person may be elected or appointed to the office of sheriff
6 without having a certificate attesting to completion of a basic
7 law enforcement training program.

8 B. The director shall establish the administrative
9 law enforcement training program for county sheriffs, subject
10 to review and approval by the executive committee of the
11 sheriff's affiliate of the New Mexico association of counties.

12 C. A county sheriff's per diem, mileage and tuition
13 expenses attributed to attendance at the administrative law
14 enforcement training shall be paid for by the governing body of
15 the county served by that sheriff."

16 SECTION 3. CONTINGENT EFFECTIVE DATE.--The provisions of
17 this act shall become effective upon certification by the
18 secretary of state that the constitution of New Mexico has been
19 amended as proposed by a joint resolution of the second session
20 of the fifty-third legislature, entitled "A JOINT RESOLUTION
21 PROPOSING TO AMEND ARTICLE 10 OF THE CONSTITUTION OF NEW MEXICO
22 BY ADDING A NEW SECTION TO PROVIDE FOR QUALIFICATIONS FOR
23 COUNTY SHERIFFS AS PROVIDED BY LAW EXCEPT FOR COUNTIES
24 INCORPORATED PURSUANT TO ARTICLE 10, SECTION 5 OF THE
25 CONSTITUTION OF NEW MEXICO."

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