AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT A POST-SECONDARY
EDUCATIONAL INSTITUTION MAY ENTER INTO A WRITTEN AGREEMENT
WITH A MUNICIPALITY FOR ENFORCEMENT OF CAMPUS TRAFFIC
REGULATIONS; PROVIDING PROCEDURES FOR THE ISSUANCE AND
PAYMENT OF CITATIONS; PROVIDING FOR ADJUDICATION IN MUNICIPAL
COURT; ALLOWING PENALTY ASSESSMENTS TO BE CREDITED TO THE
MUNICIPALITY OR TO THE POST-SECONDARY EDUCATIONAL
INSTITUTION; PROVIDING FOR COMMISSIONING OF SECURITY
PERSONNEL.

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

SECTION 1. A new Section 29-5-4 NMSA 1978 is enacted to
read:

"29-5-4. POST-SECONDARY EDUCATIONAL INSTITUTIONS--
CAMPUS TRAFFIC REGULATIONS--AGREEMENT WITH MUNICIPALITY.--

A. As used in this section, "post-secondary
educational institution" means a community college operating
pursuant to the Community College Act or a technical and
vocational institute operating pursuant to the Technical and
Vocational Institute Act that does not have campus police
officers created pursuant to Section 29-5-3 NMSA 1978.

B. The governing board of a post-secondary
educational institution may adopt and promulgate traffic
regulations to apply to areas within the exterior boundaries
of the lands under the control of the board, including streets and highways. Traffic regulations may include:

1. limiting the rates of speed;
2. assigning parking spaces and designating parking and no parking areas and their uses;
3. prohibiting parking;
4. removing, disabling or booting vehicles parked in violation of campus traffic regulations at the expense of the violator, who shall pay the expense before the vehicle is released; and
5. instituting a system of vehicle registration for the identification and regulation of vehicles regularly using campus facilities, including a reasonable charge to defray the costs of providing parking and traffic enforcement services and campus parking.

C. All areas subject to traffic regulations shall be marked with signs conforming with standards used by the department of transportation.

D. Traffic regulations adopted by a post-secondary educational institution pursuant to this section shall include a specific penalty for each type of violation that shall not exceed the penalty for the same violation under state law or municipal ordinance for the municipality where the post-secondary educational institution is located.

E. A post-secondary educational institution may
enter into a written agreement with the municipality where
the institution is located for municipal police enforcement
of traffic regulations and for enforcement of applicable laws
and ordinances within the exterior boundaries of the lands
under the control of the institution. The written agreement
shall outline the terms and conditions for municipal
enforcement of the institution's traffic regulations,
including the following:

(1) unless a warning notice or a parking
citation is given at the time of making an arrest for a
traffic violation, the arresting officer shall offer the
alleged violator the option of accepting a penalty assessment
or appearing in municipal court for adjudication within five
days after issuance of the citation;

(2) if an alleged violator elects to appear
in municipal court in lieu of accepting a penalty assessment,
the fine imposed upon later conviction shall not exceed the
penalty assessment established for the particular penalty
assessment;

(3) a violator's signature on the penalty
assessment notice constitutes an acknowledgment of guilt of
the offense stated in the notice;

(4) payment of a parking violation penalty
assessment shall be made by mailing the payment within five
days from the date the citation was issued to the
municipality for processing in accordance with the written agreement. Payment of the penalty assessment is timely if postmarked within five days from the date of issuance of the citation;

(5) payment of any moving violation penalty assessment shall be made by mailing the payment within thirty days from the date the citation was issued to the municipality for processing in accordance with the written agreement. Payment of the penalty assessment is timely if postmarked within thirty days from the date of issuance of the citation;

(6) when a penalty assessment is paid by currency, a receipt shall be immediately mailed to the violator;

(7) if a penalty assessment is not paid within thirty days from the date of issuance of the citation, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if a penalty assessment notice had not been issued;

(8) all penalties and fines assessed shall be paid to the municipality to defray the costs of enforcement and adjudication of citations issued at the post-secondary educational institution; and

(9) the uniform traffic citation form approved by the motor vehicle division of the taxation and
revenue department shall be used as the complaint for violations of campus traffic regulations. Citations for moving violations shall be issued in the manner set forth in Sections 66-8-123 through 66-8-127 NMSA 1978.

F. A municipality enforcing campus traffic regulations pursuant to this section may, by commission, authorize campus security personnel at the post-secondary educational institution to issue citations for violations of non-moving traffic regulations on such terms and conditions as provided in the written agreement but in no event shall campus security personnel be given arrest powers.

G. In the absence of a written agreement with a municipality for the enforcement of traffic regulations, campus security personnel may enforce traffic regulations. The punishment for a violation of a campus traffic regulation shall be not more than five dollars ($5.00) per violation. All fines collected pursuant to this subsection shall be remitted to the post-secondary educational institution and shall be used solely for the purposes of enforcing campus traffic regulations and for planning and improving movement and control of vehicles and related parking problems and for use in the operation, management and administration of the institution's security office.

H. When a traffic citation is issued by a campus security officer, the officer shall be wearing a distinctive
badge and uniform issued to the officer by the post-secondary educational institution.

I. A record of a penalty assessment payment is not admissible as evidence in court in a civil action.

J. A post-secondary educational institution may withhold the issuance of grades and degrees in order to secure payment of unpaid traffic or parking assessments."

SECTION 2. Section 35-14-2 NMSA 1978 (being Laws 1961, Chapter 208, Section 2, as amended) is amended to read:

"35-14-2. JURISDICTION.--

A. Each municipal court has jurisdiction over all offenses and complaints under ordinances of the municipality and may issue subpoenas and warrants and punish for contempt.

B. Upon written agreement between the board of regents of a state educational institution designated in Article 12, Section 11 of the constitution of New Mexico and the governing body of a municipality contiguous to land under control of the board of regents or within which any portion of such land is located, the municipal court has jurisdiction over violations of campus traffic regulations adopted under Section 29-5-1 NMSA 1978 as to areas under control of the board of regents. Fines and forfeitures collected by the municipal court under campus traffic regulations may be credited to the state educational institution on whose campus the violation occurred."
C. Upon written agreement between a post-secondary educational institution and the governing body of a municipality contiguous to land under control of the institution or within which any portion of such land is located, the municipal court has jurisdiction over violations of campus traffic regulations adopted pursuant to Section 29-5-4 NMSA 1978 as to areas under control of the institution. Fines and forfeitures collected by the municipal court for violations of campus traffic regulations may be credited to the municipality or to the post-secondary educational institution on whose campus the violation occurred.

D. Each municipal court's personal jurisdiction extends to any defendant who has been properly served with criminal process of the court anywhere in the state if that criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.