

1 SENATE BILL 573

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Ron Griggs

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; INCREASING THE DISTRIBUTIONS FROM
12 THE LAW ENFORCEMENT PROTECTION FUND; RECONCILING MULTIPLE
13 AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2002.

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

16 SECTION 1. Section 29-13-4 NMSA 1978 (being Laws 1993,
17 Chapter 179, Section 6, as amended by Laws 2002, Chapter 78,
18 Section 5 and by Laws 2002, Chapter 92, Section 3) is amended
19 to read:

20 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
21 DISTRIBUTION.--

22 A. Annually on or before April 15, the division
23 shall consider and determine the relative needs as requested by
24 tribal, municipal and university police and county sheriff's
25 departments for money in the fund pursuant to the provisions of

.192681.1

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1 Subsection C of this section.

2 B. As necessary during the year, the division shall
3 transfer an amount from the [~~law enforcement protection~~] fund
4 to the peace officers' survivors fund that enables the balance
5 of the peace officers' survivors fund to be maintained at a
6 minimum balance of three hundred fifty thousand dollars
7 (\$350,000).

8 C. The division shall determine the rate of
9 distribution of money remaining in the fund to each tribal,
10 municipal and university police and county sheriff's department
11 as follows:

12 (1) all municipal police and county sheriff's
13 departments shall be rated by class pursuant to this paragraph
14 in accordance with populations established by the most recently
15 completed decennial census; provided that the population of any
16 county shall not include the population of any municipality
17 within that county that has a municipal police department. The
18 rate of distribution to which a municipal police or county
19 sheriff's department is entitled is the following:

20	CLASS	POPULATION	AMOUNT
21	1	0 to 20,000	[\$20,000] <u>\$30,000</u>
22	2	20,001 to 160,000	[30,000] <u>45,000</u>
23	3	160,001 to 1,280,000	[40,000] <u>60,000;</u>

24 (2) university police departments shall be
25 entitled to a rate of distribution of [~~seventeen thousand~~

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1 ~~dollars (\$17,000)]~~ twenty-five thousand five hundred dollars
2 (\$25,500);

3 (3) tribal police departments shall be
4 entitled, unless allocations are adjusted pursuant to the
5 provisions of Subsection [G] D of this section, to [~~six hundred~~
6 ~~dollars (\$600)]~~ nine hundred dollars (\$900) for each
7 commissioned peace officer in the tribe. To be counted as a
8 commissioned peace officer for the purposes of this paragraph,
9 a commissioned peace officer shall have been assigned to duty
10 and have worked in New Mexico for no fewer than two hundred
11 days in the calendar year immediately prior to the date of
12 payment. Payments shall be made for only those divisions of
13 the tribal police departments that perform services in New
14 Mexico. [~~No~~] A tribal police department shall not be eligible
15 for any disbursement under the fund if commissioned peace
16 officers cite non-Indians into the tribal court for civil or
17 criminal citations; and

18 (4) municipal and university police and county
19 sheriff's departments shall be entitled, unless allocations are
20 adjusted pursuant to the provisions of Subsection D of this
21 section, to [~~six hundred dollars (\$600)]~~ nine hundred dollars
22 (\$900) for each police officer or sheriff's deputy employed
23 full time by his department who has been certified by the New
24 Mexico law enforcement academy as a police officer or has been
25 authorized to act as a New Mexico peace officer pursuant to the

.192681.1

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provisions of Section 29-1-11 NMSA 1978.

D. After distributions are determined in accordance with ~~[Subsection A, and Paragraphs (1) and (2) of Subsection]~~ Subsections B and C of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraphs (3) and (4) of Subsection C of this section, the division shall reduce that allocation to the maximum amount permitted by available money."