



**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to an agency’s, committee’s or legislator’s request.

**BILL SUMMARY**

Summary Synopsis:

HB 306 grants county sheriffs the authority to commission tribal and Bureau of Indian Affairs police officers as deputy sheriffs. The procedures for such commissions are to be set forth in a written agreement. The bill sets forth certain requirements to be in the written agreement. Most notably: (1) individuals commissioned by sheriffs under the Act must have completed a 400 hour basic police training approved by the director of the law enforcement academy; and (2) citations, not occurring on a reservation, must be to a magistrate court.

**FISCAL IMPLICATIONS WITH ENACTING THIS BILL**

**SIGNIFICANT LEGAL ISSUES**

Under current law, Section 29-1-11 NMSA 1978, the chief of the state police has authority to commission tribal and Bureau of Indian Affairs police officers as peace officers. HB 306, using language almost identical to Section 29-1-11, grants the same type of authority to every county sheriff in the state. It is a potentially significant expansion of the number of individuals authorized to act as police officers without being certified by the Law Enforcement Academy Board, but it appears to be lawful. It should be noted that county sheriffs, unlike the chief of the state police, have not necessarily gone through the normal training required to be a certified police officer and may not have been a certified officer when elected.

Individuals eligible to be commissioned by sheriffs under this bill may be eligible to receive a police officer certification under the Law Enforcement Academy’s “certification by waiver” program.

**PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL**

**ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS  
INTRODUCED THIS SESSION**

**TECHNICAL ISSUES OR DRAFTING ERROR**

In Section 1, subsection (C)(1), page 2, line 25, the term “peace officers” should be “deputy sheriffs.”

**OTHER SUBSTANTIVE LEGAL ISSUES**

**ALTERNATIVES TO ENACTING THIS BILL**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS NEEDED TO IMPROVE THIS BILL**