

LFC Requester:	Chenier, Eric
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the Bill no. in the email subject line, e.g., HB2, and only attach one Bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original Bill, amendment, substitute or a correction of a previous Bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date January 7, 2014
Bill No: HB318-305 Feb 5

Sponsor: Rep. Rehm and Sen. Leavell **Reviewing** Attorney General's Office
Short Law Enforcement In-service **Person Writing** Stuart Bluestone
Title: Training **Phone:** 827-6004 **Email** SBluestone@nmag.go

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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 the agency’s, committee’s or legislator’s request.

BILL SUMMARY

HB 318 removes all mandatory continuing education or what are termed “in-service” training requirements for law enforcement officers. Currently commissioned law enforcement officers must complete at least 40 hours of “in-service” training every two years to maintain their commissions in good standing. *See* NMSA 1978, § 29-7-7.1. HB 318 would make permissive the current 13 hours of mandatory training required in the following areas:

- high-speed vehicle pursuits – 4 hours
- domestic abuse – 1 hr.
- sex crimes prosecutions and treatment – 1 hr.
- child abuse – 1 hr.
- child safety upon arrest – 1 hr.
- missing person and AMBER alert – 1 hr.
- crisis management, including interaction with persons with mental impairments – 2 hrs.
- hate crimes – 2 hrs.

HB 318 would instead provide discretion to the Law Enforcement Academy Board to decide which in-service training courses to offer, which could include any number, none or all of the above areas.

HB 318 does not seek to change any of the existing mandatory training requirements in the initial basic training course that requires successful completion of 400 hours of instruction before being certified as a law enforcement officer in the State. *See* Sec. 29-7-7 NMSA 1978.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

SIGNIFICANT LEGAL ISSUES

HB 318 appears to present strictly policy as opposed to legal issues. There is no known legal impediment to removing mandatory training requirements in certain areas and allowing the Law Enforcement Academy Board to determine, within its discretion, which areas to offer for annual “in-service” training courses. The total number of the required 40 hours of supplemental training for law enforcement officers every two years will still remain intact.

The primary argument in favor of the Bill would seem to be the benefit of providing maximum flexibility to allow law enforcement training to be tailored to new training developments and needs of the law enforcement community.

The major question about removing mandatory training in some or all of the areas specified is whether the Legislature continues to deem those areas so critically important as to justify keeping the current training requirements.

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

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

In addition to leaving the current mandatory requirements as they are, another alternative would be to keep certain mandatory requirements but remove others. That would involve deleting one or more specified sections in the Bill:

- Sec. 1: Domestic Abuse Incident Training
- Sec. 2: Child Abuse Incident Training
- Sec. 3: Ensuring Child Safety Upon Arrest
- Sec. 4: Missing Person and AMBER Alert
- Sec. 5: Interaction with Persons with Mental Impairments
- Sec. 6: Sexual Crimes Prosecution and Treatment
- Sec. 7: High Speed Pursuits (in Section heading titled "Police Training")
- Sec. 8: Hate Crimes

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Current mandatory in-service training requirements for law enforcement officers in eight specified areas, which comprise 13 of the 40 required hours every two years, will remain as they are.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

Whether they are deemed improvements depends on views regarding each of the eight areas specified in the Alternatives Section noted above.