

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto: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: Date 2/27/2015  
Original     Amendment    \_\_\_\_\_ Bill No: HB 486  
Correction  Substitute    \_\_\_\_\_

Sponsor: Rep. Jane E. Powdrell-Culbert    Agency Code: Attorney General's Office  
Short    Law Enforcement Background    Person Writing: James Torres  
Title:    Checks    Phone: 827-6064    Email jtorres@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

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

**BILL SUMMARY**

**Synopsis:**

HB 486 proposes to require a law enforcement agency seeking to hire a police officer previously employed by a different law enforcement agency to request disciplinary records concerning that officer from the prior law enforcement agency. Upon receipt of such a request, that law enforcement agency must provide those records to the requesting agency. These records are privileged and shall not be disclosed to anyone not directly involved in hiring. Civil damages resulting from the request or transmission of these records shall not be imposed.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

Out-of-state law enforcement agencies disciplinary records will not fall within the purview of this law. Therefore, there may be a discrepancy between the requirements of in-state applicants and out-of-state applicants. Further, as there is no timeline articulated for responses to disciplinary records requests, hiring timelines may be impacted. Finally, the breadth of proposed Subsection (D) is unclear. This subsection may be construed narrowly as limiting civil liability for the actual physical process of transmitting records (e.g. unpermitted disclosure of records) or it may be broadly construed (e.g. limiting liability for hiring decisions made pursuant to such records).

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 381: Law Enforcement Academy Records – Relationship (requiring law enforcement submit disciplinary records to, and request records from when hiring, the Law Enforcement Academy Board)

**TECHNICAL ISSUES**  
Addressed above

**OTHER SUBSTANTIVE ISSUES**  
N/A

**ALTERNATIVES**  
N/A

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

**AMENDMENTS**  
N/A