

1 AN ACT

2 RELATING TO PUBLIC SAFETY; ENHANCING DEATH BENEFITS FOR PEACE
3 OFFICERS, NEW MEXICO MOUNTED PATROL MEMBERS AND RESERVE
4 POLICE OFFICERS; CHANGING DISTRIBUTIONS FROM THE LAW
5 ENFORCEMENT PROTECTION FUND; EXPANDING THE DISTRIBUTION OF
6 THE LAW ENFORCEMENT PROTECTION FUND TO THE NEW MEXICO LAW
7 ENFORCEMENT ACADEMY; EXPANDING THE PURPOSES FOR WHICH A CRIME
8 REDUCTION GRANT MAY BE MADE; CREATING ADDITIONAL JUDGESHIPS
9 IN THE SECOND, FIFTH AND THIRTEENTH JUDICIAL DISTRICTS;
10 CREATING THE LAW ENFORCEMENT RETENTION FUND; PROVIDING A
11 RETENTION DIFFERENTIAL DISBURSEMENT TO CERTAIN LAW
12 ENFORCEMENT OFFICERS; PROVIDING REPORTING REQUIREMENTS;
13 REQUIRING THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
14 ESTABLISH A PROGRAM TO DISTRIBUTE FUNDS TO LOCAL LAW
15 ENFORCEMENT AGENCIES; CREATING THE LAW ENFORCEMENT
16 CERTIFICATION BOARD; CREATING THE NEW MEXICO LAW ENFORCEMENT
17 STANDARDS AND TRAINING COUNCIL; INCREASING THE STATUTE OF
18 LIMITATIONS FOR SECOND DEGREE MURDER; MAKING A THREAT OF A
19 SHOOTING UNLAWFUL; CLARIFYING EXCEPTIONS FOR UNLAWFUL
20 POSSESSION OF A HANDGUN BY A PERSON; CLARIFYING THE PENALTY
21 FOR RECEIPT, TRANSPORTATION OR POSSESSION OF A FIREARM OR
22 DESTRUCTIVE DEVICE BY A SERIOUS VIOLENT FELON; ADDING
23 PENALTIES FOR AGGRAVATED FLEEING A LAW ENFORCEMENT OFFICER;
24 MAKING AVAILABLE GLOBAL POSITIONING SYSTEM DATA ON DEFENDANTS
25 ON PRETRIAL RELEASE; CLARIFYING NONCAPITAL FELONY SENTENCING

1 PROVISIONS; PROVIDING FOR A SENTENCING ENHANCEMENT WHEN A
2 FIREARM IS USED DURING THE COMMISSION OF A DRUG TRANSACTION
3 OR SERIOUS VIOLENT OFFENSE; CLARIFYING THAT A FIREARM USED
4 DURING THE COMMISSION OF A DRUG TRANSACTION OR SERIOUS
5 VIOLENT OFFENSE MAY BE SEIZED; ENACTING THE VIOLENCE
6 INTERVENTION PROGRAM ACT; CREATING THE VIOLENCE INTERVENTION
7 PROGRAM FUND; ESTABLISHING APPLICATION AND REPORTING
8 REQUIREMENTS; CREATING THE CRIME OF THREATENING A JUDGE OR
9 IMMEDIATE FAMILY MEMBER OF A JUDGE; CREATING THE CRIME OF
10 MALICIOUS SHARING OF PERSONAL INFORMATION OF A JUDGE OR AN
11 IMMEDIATE FAMILY MEMBER OF A JUDGE; CREATING THE CRIME OF
12 OPERATING A CHOP SHOP; CREATING THE CRIME OF CRIMINAL DAMAGE
13 TO PROPERTY BY THEFT OR ATTEMPTED THEFT OF REGULATED
14 MATERIAL; PROHIBITING A SECONDHAND METAL DEALER FROM
15 PURCHASING OR RECEIVING REGULATED MATERIAL NOT LAWFULLY
16 POSSESSED; PROHIBITING A DEFENSE BASED ON A DEFENDANT'S
17 DISCOVERY OF, KNOWLEDGE ABOUT OR THE POTENTIAL DISCLOSURE OF
18 A VICTIM'S OR WITNESS' GENDER, GENDER IDENTITY, GENDER
19 EXPRESSION OR SEXUAL ORIENTATION; PROHIBITING A DEFENSE BASED
20 ON A DEFENDANT BEING ROMANTICALLY PROPOSITIONED IN A
21 NONVIOLENT OR NON-THREATENING MANNER BY A PERSON OF THE SAME
22 GENDER OR A PERSON WHO IS TRANSGENDER; PROVIDING PENALTIES.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

25 SECTION 1. A new section of the Department of Finance

1 and Administration Act is enacted to read:

2 "DISTRIBUTION OF FUNDS.--The department of finance and
3 administration shall establish a program to distribute funds
4 for local law enforcement agencies to provide recruitment and
5 retention stipends to law enforcement officers. The program
6 shall establish criteria for distribution of funds
7 appropriated for that purpose, prioritizing recruitment and
8 retention of personnel to increase investigative capacity.
9 The program shall also establish appropriate guidelines on
10 the use of those funds, including recruitment and retention
11 stipends that may be distributed to:

12 A. a person who is not certified as a law
13 enforcement officer pursuant to the Law Enforcement Training
14 Act upon employment with a law enforcement agency; provided
15 that the recipient successfully obtains such certification;

16 B. a person who is certified as a law enforcement
17 officer pursuant to the Law Enforcement Training Act upon
18 employment with a law enforcement agency; provided that the
19 recipient remains employed with that agency for three months;
20 and

21 C. a person who is certified as a law enforcement
22 officer pursuant to the Law Enforcement Training Act
23 currently employed by a law enforcement agency; provided that
24 the law enforcement officer remains employed with that law
25 enforcement officer's current agency for one additional

1 year."

2 SECTION 2. Section 9-19-8 NMSA 1978 (being Laws 1987,
3 Chapter 254, Section 8, as amended) is amended to read:

4 "9-19-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The
5 governor's organized crime prevention commission, the New
6 Mexico law enforcement standards and training council and the
7 law enforcement certification board are administratively
8 attached to the department in accordance with the Executive
9 Reorganization Act."

10 SECTION 3. Section 29-4A-5 NMSA 1978 (being Laws 1995,
11 Chapter 59, Section 5, as amended) is amended to read:

12 "29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL
13 MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL
14 DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

15 A. There is created the "peace officers', New
16 Mexico mounted patrol members' and reserve police officers'
17 survivors supplemental death benefits review committee". The
18 committee shall consist of the attorney general, the chief of
19 the New Mexico state police and the state president of the
20 fraternal order of police or their designees.

21 B. The peace officers', New Mexico mounted patrol
22 members' and reserve police officers' survivors supplemental
23 death benefits review committee shall determine whether a
24 peace officer, New Mexico mounted patrol member or reserve
25 police officer has been killed in the line of duty and advise

1 the secretary of that determination. In addition to any
2 other death benefits provided by law, the surviving spouse,
3 children or parents shall be paid one million dollars
4 (\$1,000,000) as supplemental death benefits whenever a peace
5 officer, New Mexico mounted patrol member or reserve police
6 officer is killed in the line of duty. The benefits shall be
7 paid from the fund.

8 C. The benefits shall be paid first to the
9 surviving spouse. If there is no surviving spouse, the
10 benefits shall be distributed in pro rata shares to all
11 surviving children. If there are no surviving children or
12 spouse, benefits shall be distributed to the surviving
13 parents of the peace officer, New Mexico mounted patrol
14 member or reserve police officer."

15 SECTION 4. Section 29-7-3 NMSA 1978 (being Laws 1979,
16 Chapter 202, Section 42, as amended) is amended to read:

17 "29-7-3. NEW MEXICO LAW ENFORCEMENT STANDARDS AND
18 TRAINING COUNCIL.--

19 A. There is created the "New Mexico law
20 enforcement standards and training council".

21 B. The council shall develop and adopt basic
22 training and in-service training standards for police
23 officers and telecommunicators in New Mexico.

24 C. The council shall consist of the director of
25 the New Mexico law enforcement academy and the directors of

1 all the satellite law enforcement academies, who shall serve
2 automatically by reason of their position. The remaining
3 seven members of the council shall be appointed by the
4 governor and confirmed by the senate. An appointed council
5 member shall serve and have all of the duties,
6 responsibilities and authority of that office during the
7 period prior to the final action by the senate in confirming
8 or rejecting the appointment. The members appointed by the
9 governor shall consist of one attorney who is currently
10 employed in a district attorney's office; one attorney who is
11 currently employed by the public defender department; one
12 certified police chief of a New Mexico Indian nation, tribe
13 or pueblo; two members who have experience and specialize in
14 providing adult education; and two citizen-at-large members,
15 one of whom shall have experience as a behavioral health
16 provider and neither of whom shall be a police officer or
17 retired police officer or have familial or financial
18 connections to a police officer or any agency or department
19 for which a police officer works. Vacancies shall be filled
20 by the governor for the unexpired term.

21 D. Appointments to the council shall be for terms
22 of four years or less made in such manner that the terms of
23 not more than two members expire on July 1 of each year.

24 E. Members of the council shall receive, for their
25 service as members of the council, per diem and mileage as

1 provided in the Per Diem and Mileage Act."

2 SECTION 5. Section 29-7-4 NMSA 1978 (being Laws 1969,
3 Chapter 264, Section 6, as amended) is amended to read:

4 "29-7-4. POWERS AND DUTIES OF COUNCIL.--The council
5 shall:

6 A. develop a planned program, to be implemented by
7 the director, of:

8 (1) basic law enforcement training and
9 in-service law enforcement training, a portion of which may
10 be conducted on a regional basis; and

11 (2) basic telecommunicator training and
12 in-service telecommunicator training, as provided in the
13 Public Safety Telecommunicator Training Act, a portion of
14 which may be conducted on a regional basis;

15 B. prescribe qualifications for instructors and
16 prescribe courses of instruction for:

17 (1) basic law enforcement training and in-
18 service law enforcement training; and

19 (2) basic telecommunicator training and in-
20 service telecommunicator training, as provided in the Public
21 Safety Telecommunicator Training Act;

22 C. report annually to the governor;

23 D. in its discretion, accept donations,
24 contributions, grants or gifts from whatever source for the
25 benefit of the academy, which donations, contributions,

1 grants or gifts are appropriated for the use of the academy;
2 and

3 E. adopt, publish and file, in accordance with the
4 provisions of the State Rules Act, all rules concerning the
5 implementation and enforcement of Sections 29-7-2 through
6 29-7-7.7, 29-7-12, 29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA
7 1978."

8 SECTION 6. A new section of the Law Enforcement
9 Training Act, Section 29-7-4.4 NMSA 1978, is enacted to read:

10 "29-7-4.4. LAW ENFORCEMENT OFFICER TRAINING.--The
11 curriculum of each basic law enforcement training class and
12 in-service training each year for certified police officers
13 shall include:

- 14 A. crisis management and intervention;
- 15 B. dealing with individuals who are experiencing
16 mental health issues;
- 17 C. methods of de-escalation;
- 18 D. peer-to-peer intervention;
- 19 E. stress management;
- 20 F. racial sensitivity;
- 21 G. reality-based situational training; and
- 22 H. use of force training that includes the
23 elimination of vascular neck restraints."

24 SECTION 7. Section 29-7-5 NMSA 1978 (being Laws 1969,
25 Chapter 264, Section 7, as amended) is amended to read:

1 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The
2 director shall be under the supervision and direction of the
3 secretary of public safety. The director shall:

4 A. be the chief executive officer of the academy
5 and employ necessary personnel;

6 B. issue a certificate of completion to any person
7 who:

8 (1) graduates from an approved basic law
9 enforcement training program and who satisfies the
10 qualifications for certification as set forth in Section
11 29-7-6 NMSA 1978; or

12 (2) graduates from an approved basic
13 telecommunicator training program and who satisfies the
14 qualifications for certification as set forth in the Public
15 Safety Telecommunicator Training Act;

16 C. perform all other acts necessary and
17 appropriate to the carrying out of the director's duties;

18 D. implement the training standards and
19 requirements developed and adopted by the council; and

20 E. annually evaluate the courses of instruction
21 being offered by the academy and make necessary modifications
22 and adjustments to the programs."

23 SECTION 8. Section 29-7-5.1 NMSA 1978 (being Laws 1979,
24 Chapter 202, Section 45, as amended) is amended to read:

25 "29-7-5.1. REMOVAL OF DIRECTOR.--The director may be

1 removed by the secretary in accordance with the procedures
2 provided in Section 29-2-11 NMSA 1978 for removal of members
3 of the New Mexico state police holding permanent commissions.
4 In the case of removal proceedings for the director under
5 that section, "commission", as used in Subsections C and D of
6 Section 29-2-11 NMSA 1978, shall be construed to mean the New
7 Mexico law enforcement standards and training council."

8 SECTION 9. Section 29-7-7 NMSA 1978 (being Laws 1981,
9 Chapter 114, Section 6, as amended) is amended to read:

10 "29-7-7. DEFINITIONS.--For the purpose of the Law
11 Enforcement Training Act:

12 A. "academy" means the New Mexico law enforcement
13 academy;

14 B. "basic law enforcement training" means a course
15 consisting of not less than four hundred hours of instruction
16 in basic law enforcement training as required by the Law
17 Enforcement Training Act;

18 C. "board" means the law enforcement certification
19 board;

20 D. "conviction" means an adjudication of guilt or
21 a plea of no contest and includes convictions that are
22 suspended or deferred;

23 E. "council" means the New Mexico law enforcement
24 standards and training council;

25 F. "director" means the director of the division;

1 G. "division" means the New Mexico law enforcement
2 academy of the department of public safety;

3 H. "in-service law enforcement training" means a
4 course of instruction required of all certified peace
5 officers and designed to train and equip all police officers
6 in the state with specific law enforcement skills and to
7 ensure the continuing development of all police officers in
8 the state. The training and instruction shall be kept
9 current and may be conducted on a regional basis at the
10 discretion of the director;

11 I. "law enforcement agency" means an agency of the
12 state or local political subdivision of the state that
13 employs certified law enforcement officers or the police
14 department of a tribe that has entered into an agreement with
15 the department of public safety pursuant to Section 29-1-11
16 NMSA 1978;

17 J. "police officer" means any commissioned
18 employee of a law enforcement agency that is part of or
19 administered by the state or any political subdivision of the
20 state, and includes any employee of a missile range civilian
21 police department who is a graduate of a recognized certified
22 regional law enforcement training facility and who is
23 currently certifiable by the academy, which employee is
24 responsible for the prevention and detection of crime or the
25 enforcement of the penal, or traffic or highway laws of this

1 state. The term specifically includes deputy sheriffs.
2 Sheriffs are eligible to attend the academy and are eligible
3 to receive certification as provided in the Law Enforcement
4 Training Act. As used in this subsection, "commissioned"
5 means an employee of a law enforcement agency who is
6 authorized by a sheriff or chief of police to apprehend,
7 arrest and bring before the court all violators within the
8 law enforcement agency's jurisdiction; and

9 K. "certified regional law enforcement training
10 facility" means a law enforcement training facility within
11 the state certified by the director, with the approval of the
12 academy's board of directors, that offers basic law
13 enforcement training and in-service law enforcement training
14 that is comparable to or exceeds the standards of the
15 programs of the academy."

16 SECTION 10. Section 29-7-7.2 NMSA 1978 (being Laws
17 1981, Chapter 144, Section 8, as amended) is amended to read:

18 "29-7-7.2. REPORTS.--Every law enforcement agency
19 within the state shall submit quarterly a report to the
20 director and the board on the status of each police officer
21 employed by the law enforcement agency. The reports shall
22 include the status of in-service law enforcement training.
23 The reporting forms and submittal dates shall be prescribed
24 by the board."

25 SECTION 11. Section 29-7-10 NMSA 1978 (being Laws 1971, HJC/HB 68/a
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1 Chapter 247, Section 4, as amended by Laws 1981, Chapter 107,
2 Section 1 and also by Laws 1981, Chapter 114, Section 10) is
3 amended to read:

4 "29-7-10. CERTIFICATION BY WAIVER.--

5 A. The board may, with the approval of the
6 council, waive the basic law enforcement training program and
7 certify applicants who are employed as full-time police
8 officers and who furnish evidence of satisfactory completion
9 of a basic law enforcement training program which is
10 comparable to or exceeds the standards of the programs of the
11 academy.

12 B. All individuals allowed a waiver under this
13 section shall meet the requirements set out in the Law
14 Enforcement Training Act, and this section shall not be
15 construed to exempt them from those requirements in any
16 manner."

17 SECTION 12. Section 29-7-12 NMSA 1978 (being Laws 1981,
18 Chapter 114, Section 12, as amended) is amended to read:

19 "29-7-12. CHARGES--FUND CREATED--USE.--

20 A. The division shall not charge local public
21 bodies or New Mexico Indian tribes or pueblos for any
22 expenses associated with providing basic law enforcement
23 training programs to applicants for certification seeking
24 commission pursuant to the provisions of the Law Enforcement
25 Training Act. The division may charge state agencies and

1 institutions and federal agencies and shall charge civilian
2 participants for the cost of providing basic law enforcement
3 training programs, which charges shall be specified in a
4 tuition and fee schedule promulgated by the council and shall
5 not exceed the actual cost of providing the training
6 programs.

7 B. The division may charge state agencies and
8 institutions, local public bodies, New Mexico Indian tribes
9 and pueblos and federal agencies and shall charge civilian
10 participants for the cost of providing advanced training
11 programs, which charges shall be specified in a tuition and
12 fee schedule promulgated by the council and shall not exceed
13 the actual cost of providing the training programs.

14 C. The division may charge for the rental or other
15 use of the academy's facility, personnel and equipment, which
16 charges shall be specified in a tuition and fee schedule
17 promulgated by the council and shall not exceed the actual
18 cost of the facility, personnel or equipment.

19 D. The "law enforcement training and recruiting
20 fund" is created in the state treasury. Money received by
21 the division for activities specified in this section shall
22 be deposited in the fund. The department of public safety
23 shall administer the fund, and money in the fund is
24 appropriated to the division to offset the operational costs
25 of the division. Money in the fund shall be nonreverting.

1 Money shall be expended on warrants issued by the secretary
2 of finance and administration upon vouchers signed by the
3 secretary of public safety or the secretary of public
4 safety's authorized representative.

5 E. As used in this section, "local public body"
6 means all political subdivisions of the state and their
7 agencies, instrumentalities and institutions."

8 SECTION 13. A new section of the Law Enforcement
9 Training Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

10 "29-7-4.3. LAW ENFORCEMENT CERTIFICATION

11 BOARD--APPOINTMENT--POWERS AND DUTIES.--

12 A. The "law enforcement certification board" is
13 established and administratively attached to the department
14 of public safety as an independent board in accordance with
15 the Executive Reorganization Act. The board consists of nine
16 members appointed by the governor with the advice and consent
17 of the senate. No more than five members of the board shall
18 be members of the same political party. The members of the
19 board shall be appointed for five-year terms. Two of the
20 initial board members shall be appointed for one-year terms;
21 two of the initial board members shall be appointed for two-
22 year terms; two of the initial board members shall be
23 appointed for three-year terms; two of the initial board
24 members shall be appointed for four-year terms; and one of
25 the initial board members shall be appointed for a five-year

1 term.

2 B. The board shall include the following members:

3 (1) a retired judge, who shall serve as
4 chair of the board;

5 (2) a municipal peace officer;

6 (3) a sheriff;

7 (4) a tribal law peace officer;

8 (5) an attorney in private practice who
9 practices as a plaintiff's attorney in the area of civil
10 rights or who represents criminal defendants;

11 (6) an attorney in private practice who
12 represents public entities in civil rights claims; and

13 (7) an attorney who is employed by the
14 public defender department.

15 C. The board shall:

16 (1) deny, suspend or revoke:

17 (a) a peace officer's certification for
18 just cause as provided in the Law Enforcement Training Act;
19 and

20 (b) a telecommunicator's certification
21 for just cause as provided in the Public Safety
22 Telecommunicator Training Act; and

23 (2) conduct investigations, administer oaths
24 and subpoena persons as necessary to make determination
25 regarding fitness of a law enforcement officer to execute a

1 law enforcement officer's duties.

2 D. The board may require by subpoena the
3 attendance of witnesses or the production of records and
4 other evidence relevant to an investigation and shall have
5 such other powers and duties and administer or enforce such
6 other acts as further provided by law.

7 E. The board shall appoint a chief executive
8 officer to assist the board in carrying out its functions.
9 The chief executive officer shall employ persons as necessary
10 to assist the board in carrying out its functions.

11 F. The board shall adopt, publish and file, in
12 accordance with the provisions of the State Rules Act, all
13 rules concerning the implementation and enforcement of the
14 Law Enforcement Training Act and Public Safety
15 Telecommunicator Training Act except those sections
16 enumerated in Subsection E of Section 29-7-4 NMSA 1978 for
17 which rules shall be adopted, published and filed by the
18 council.

19 G. The board shall issue or renew a certification
20 to:

21 (1) graduates from an approved basic law
22 enforcement training program who satisfy the qualifications
23 for certification as set forth in Section 29-7-6 NMSA 1978;
24 or

25 (2) graduates from an approved basic

1 telecommunicator training program who satisfy the
2 qualifications for certification as set forth in the Public
3 Safety Telecommunicator Training Act.

4 H. Members of the board shall receive, for their
5 service as members of the board, per diem and mileage as
6 provided in the Per Diem and Mileage Act."

7 SECTION 14. Section 29-7C-2 NMSA 1978 (being Laws 2003,
8 Chapter 320, Section 4) is amended to read:

9 "29-7C-2. DEFINITIONS.--As used in the Public Safety
10 Telecommunicator Training Act:

11 A. "board" means the law enforcement certification
12 board;

13 B. "certified" means meeting the training
14 standards established by statute and rule as determined by
15 the board;

16 C. "council" means the New Mexico law enforcement
17 standards and training council;

18 D. "director" means the director of the New Mexico
19 law enforcement academy;

20 E. "dispatch" means the relay of information to
21 public safety personnel by all forms of communication;

22 F. "safety agency" means a unit of state or local
23 government, a special purpose district or a private business
24 that provides police, firefighting or emergency medical
25 services; and

1 G. "telecommunicator" means an employee or
2 volunteer of a safety agency who:

3 (1) receives calls or dispatches the
4 appropriate personnel or equipment in response to calls for
5 police, fire or medical services; and

6 (2) makes decisions affecting the life,
7 health or welfare of the public or safety employees."

8 **SECTION 15.** Section 29-7C-4 NMSA 1978 (being Laws 2003,
9 Chapter 320, Section 6) is amended to read:

10 "29-7C-4. BASIC TELECOMMUNICATOR TRAINING PROGRAM.--The
11 council shall develop and adopt a basic telecommunicator
12 training program for telecommunicator certification. The
13 program shall be constructed to meet the minimum basic needs
14 of telecommunicators in New Mexico."

15 **SECTION 16.** Section 29-7C-5 NMSA 1978 (being Laws 2003,
16 Chapter 320, Section 7) is amended to read:

17 "29-7C-5. MINIMUM TRAINING STANDARDS FOR
18 CERTIFICATION.--

19 A. A telecommunicator shall satisfy the
20 qualifications for certification set forth in the Public
21 Safety Telecommunicator Training Act within twelve months
22 after beginning employment and shall provide a certificate of
23 completion to the director.

24 B. The director shall waive the training
25 requirements set forth in Subsection A of this section for a

1 police radio dispatcher who is certified as a police radio
2 dispatcher and has met all other requirements set forth by
3 the council."

4 SECTION 17. Section 29-7C-6 NMSA 1978 (being Laws 2003,
5 Chapter 320, Section 8) is amended to read:

6 "29-7C-6. CERTIFICATION BY WAIVER.--

7 A. The board may, with the approval of the
8 council, waive the basic telecommunicator training program
9 and certify applicants who furnish evidence of satisfactory
10 completion of a basic telecommunicator training program that,
11 in the director's opinion, is substantially equivalent to the
12 board's basic telecommunicator training program.

13 B. A telecommunicator granted a waiver under this
14 section shall meet all other requirements set out in the
15 Public Safety Telecommunicator Training Act."

16 SECTION 18. Section 29-7C-8 NMSA 1978 (being Laws 2003,
17 Chapter 320, Section 10) is amended to read:

18 "29-7C-8. REPORTS AND ROSTERS.--

19 A. A safety agency that operates within the state
20 shall submit a quarterly report to the director and the board
21 on the status of each telecommunicator. The reporting forms
22 and submittal dates shall be prescribed by the director.

23 B. The director and the board shall maintain a
24 roster of all certified telecommunicators."

25 SECTION 19. A new section of the Public Safety

1 Telecommunicator Training Act is enacted to read:

2 "PUBLIC SAFETY TELECOMMUNICATOR TRAINING.--The
3 curriculum of each basic telecommunicator training class and
4 in-service training each year for telecommunicators shall
5 include:

- 6 A. crisis management and intervention;
- 7 B. dealing with individuals who are experiencing
8 mental health issues;
- 9 C. methods of de-escalation;
- 10 D. peer-to-peer intervention;
- 11 E. stress management;
- 12 F. racial sensitivity; and
- 13 G. reality-based situational training."

14 SECTION 20. Section 29-13-3 NMSA 1978 (being Laws 1983,
15 Chapter 289, Section 3, as amended) is amended to read:

16 "29-13-3. DISTRIBUTION OF CERTAIN INSURANCE
17 COLLECTIONS--LAW ENFORCEMENT PROTECTION FUND CREATED.--There
18 is created in the state treasury the "law enforcement
19 protection fund". Ten percent of all money received for
20 fees, licenses and penalties from life, general casualty and
21 title insurance business pursuant to the New Mexico Insurance
22 Code shall be paid monthly to the state treasurer and
23 credited to the fund. On or before June 30 of each year, the
24 state treasurer shall transfer to the law enforcement
25 retention fund any balance in the law enforcement protection

1 fund in excess of one hundred thousand dollars (\$100,000)
2 that is not obligated for expenses in that current fiscal
3 year."

4 SECTION 21. That version of Section 29-13-4 NMSA 1978
5 (being Laws 1993, Chapter 179, Section 6, as amended) that is
6 to become effective July 1, 2022 is amended to read:

7 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
8 DISTRIBUTION.--

9 A. Annually on or before April 15, the division
10 shall consider and determine the relative needs as requested
11 by tribal, municipal, school district and university police
12 departments, county sheriff's departments, the department of
13 public safety and the academy for money in the fund in the
14 succeeding fiscal year pursuant to the provisions of
15 Subsections C and E of this section.

16 B. As necessary during the year, the division
17 shall transfer an amount from the fund to the peace
18 officers', New Mexico mounted patrol members' and reserve
19 police officers' survivors fund that enables the balance of
20 the peace officers', New Mexico mounted patrol members' and
21 reserve police officers' survivors fund to be maintained at a
22 minimum balance of three hundred fifty thousand dollars
23 (\$350,000) through fiscal year 2023 and one million dollars
24 (\$1,000,000) thereafter.

25 C. The division shall determine the rate of

1 distribution of money in the fund as follows:

2 (1) all municipal police, school district
3 police and county sheriff's departments shall be entitled to
4 a rate of distribution of forty-five thousand dollars
5 (\$45,000) through fiscal year 2023 and ninety-five thousand
6 dollars (\$95,000) thereafter;

7 (2) university police departments shall be
8 entitled to a rate of distribution of forty-five thousand
9 dollars (\$45,000) through fiscal year 2023 and ninety-five
10 thousand dollars (\$95,000) thereafter;

11 (3) the academy shall be entitled to a rate
12 of distribution of twenty-four thousand five hundred dollars
13 (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA
14 1978 and to a rate of distribution of two hundred thousand
15 dollars (\$200,000) to carry out the purposes of the Law
16 Enforcement Training Act;

17 (4) tribal police departments shall be
18 entitled, unless allocations are adjusted pursuant to the
19 provisions of Subsection D of this section, to one thousand
20 dollars (\$1,000) through fiscal year 2023 and one thousand
21 five hundred dollars (\$1,500) thereafter for each
22 commissioned peace officer in the tribe. To be counted as a
23 commissioned peace officer for the purposes of this
24 paragraph, a commissioned peace officer shall have been
25 assigned to duty and have worked in New Mexico for no fewer

1 than two hundred days in the calendar year immediately prior
2 to the date of payment. Payments shall be made for only
3 those divisions of the tribal police departments that perform
4 services in New Mexico. A tribal police department shall not
5 be eligible for any disbursement under the fund if
6 commissioned peace officers cite non-Indians into the tribal
7 court for civil or criminal citations;

8 (5) municipal, school district and
9 university police and county sheriff's departments shall be
10 entitled, unless allocations are adjusted pursuant to the
11 provisions of Subsection D of this section, to one thousand
12 dollars (\$1,000) through fiscal year 2023 and one thousand
13 five hundred dollars (\$1,500) thereafter for each police
14 officer or sheriff's deputy employed full time by that
15 department who has been certified by the law enforcement
16 certification board as a police officer or has been
17 authorized to act as a New Mexico peace officer pursuant to
18 the provisions of Section 29-1-11 NMSA 1978; and

19 (6) municipal police, sheriff's and school
20 district police departments that assign officers as school
21 resource officers shall be entitled to one thousand dollars
22 (\$1,000) through fiscal year 2023 and one thousand five
23 hundred dollars (\$1,500) thereafter for each assigned school
24 resource officer's training pursuant to Section 29-7-14 NMSA
25 1978.

1 D. After distributions are determined in
2 accordance with Subsection A, Subsection B and Paragraphs
3 (1), (2), (3) and (6) of Subsection C of this section, if the
4 balance in the fund is insufficient to permit the total
5 allocations provided by Paragraphs (4) and (5) of Subsection
6 C of this section, the division shall reduce that allocation
7 to the maximum amount permitted by available money.

8 E. After all distributions have been made in
9 accordance with Subsections A through D of this section, and
10 if the balance in the fund is sufficient, the department of
11 public safety shall be entitled to a rate of distribution of
12 not more than two million dollars (\$2,000,000).

13 F. The division shall confirm, before making any
14 distribution under this section, that the beneficiary is in
15 compliance with all of the beneficiary's statutory reporting
16 requirements, including those described in Subsection C of
17 Section 29-3-11 NMSA 1978, Subsection B of Section 29-7-7.1
18 NMSA 1978 and Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA
19 1978."

20 **SECTION 22.** That version of Section 29-13-7 NMSA 1978
21 (being Laws 1983, Chapter 289, Section 7, as amended by Laws
22 2020, Chapter 54, Section 1 and by Laws 2020, Chapter 67,
23 Section 6) that is to become effective July 1, 2022 is
24 amended to read:

25 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

1 A. Except as provided for the academy and the
2 department of public safety in Subsections B and C of this
3 section, amounts distributed from the fund shall be expended
4 only for the following:

5 (1) the repair and purchase of law
6 enforcement apparatus and equipment, including the financing
7 and refinancing thereof, that meet minimum nationally
8 recognized standards;

9 (2) the purchase of law enforcement
10 equipment, including protective vests, for police dogs;

11 (3) expenses associated with advanced law
12 enforcement planning and training;

13 (4) maintaining the balance of the peace
14 officers', New Mexico mounted patrol members' and reserve
15 police officers' survivors fund at a minimum amount of three
16 hundred fifty thousand dollars (\$350,000) through fiscal year
17 2023 and one million dollars (\$1,000,000) thereafter;

18 (5) complying with match or contribution
19 requirements for the receipt of federal funds relating to
20 criminal justice programs;

21 (6) no more than fifty percent of the
22 replacement salaries of municipal and county law enforcement
23 personnel of municipalities or counties participating in
24 basic law enforcement training;

25 (7) a law enforcement officer retention

1 differential in the amount of seven thousand five hundred
2 dollars (\$7,500); provided that:

3 (a) the distribution is requested by a
4 municipality or county law enforcement agency to retain a law
5 enforcement officer who is certified in accordance with the
6 Law Enforcement Training Act and has at least twenty years of
7 actual service credit earned under a municipal police member
8 coverage plan as determined by the public employees
9 retirement association;

10 (b) the municipality or county law
11 enforcement agency provides seven thousand five hundred
12 dollars (\$7,500) in matching funds to the law enforcement
13 officer;

14 (c) the law enforcement officer remains
15 employed with that municipality or county law enforcement
16 agency for one additional year; and

17 (d) the distribution and the matching
18 funds paid to a law enforcement officer shall not constitute
19 the officer's base salary or wages and shall not be
20 considered to be salary or otherwise be used to determine a
21 pension for the purposes of the Public Employees Retirement
22 Act; and

23 (8) recruiting, providing stipends for and
24 training law enforcement officers engaged in community-
25 oriented policing; provided that any law enforcement officer

1 who receives a stipend in accordance with this paragraph
2 remains employed with the law enforcement agency providing
3 the stipend for one additional year.

4 B. For the academy, amounts distributed from the
5 fund shall be expended only for providing tourniquet and
6 trauma kits and training on the use of tourniquet and trauma
7 kits pursuant to Section 29-7-7.7 NMSA 1978 and to carry out
8 the purposes of the Law Enforcement Training Act.

9 C. The amount distributed to the department of
10 public safety:

11 (1) shall:

12 (a) be used only to offset overtime-
13 pay-related expenses incurred directly by the department of
14 public safety from the special deployment of state police
15 officers or other emergency assistance to counties or
16 municipalities in response to critical circumstances as
17 authorized by the governor; and

18 (b) not be expended to hire new
19 personnel; and

20 (2) may be expended for costs, including
21 travel, fuel, overtime, per diem and ammunition.

22 D. Amounts distributed from the fund shall be
23 expended only pursuant to approved budgets and upon duly
24 executed vouchers approved as required by law."

25 SECTION 23. Section 30-1-8 NMSA 1978 (being Laws 1963,

1 Chapter 303, Section 1-8, as amended) is amended to read:

2 "30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--

3 A person shall not be prosecuted, tried or punished in any
4 court of this state unless the indictment is found or
5 information or complaint is filed within the time as
6 provided:

7 A. for a second degree felony, within six years
8 from the time the crime was committed;

9 B. for a third or fourth degree felony, within
10 five years from the time the crime was committed;

11 C. for a misdemeanor, within two years from the
12 time the crime was committed;

13 D. for a petty misdemeanor, within one year from
14 the time the crime was committed;

15 E. for any crime against or violation of Section
16 51-1-38 NMSA 1978, within three years from the time the crime
17 was committed;

18 F. for a felony pursuant to Section 7-1-71.3,
19 7-1-72 or 7-1-73 NMSA 1978, within five years from the time
20 the crime was committed; provided that for a series of crimes
21 involving multiple filing periods within one calendar year,
22 the limitation shall begin to run on December 31 of the year
23 in which the crimes occurred;

24 G. for an identity theft crime pursuant to Section
25 30-16-24.1 NMSA 1978, within five years from the time the

1 crime was discovered;

2 H. for any crime not contained in the Criminal
3 Code or where a limitation is not otherwise provided for,
4 within three years from the time the crime was committed; and

5 I. for a capital felony, a first degree violent
6 felony or second degree murder pursuant to Subsection B of
7 Section 30-2-1 NMSA 1978, no limitation period shall exist
8 and prosecution for these crimes may commence at any time
9 after the occurrence of the crime."

10 SECTION 24. Section 30-20-16 NMSA 1978 (being Laws
11 1975, Chapter 285, Section 1, as amended) is amended to read:

12 "30-20-16. BOMB SCARES AND SHOOTING THREATS UNLAWFUL.--

13 A. Making a bomb scare consists of falsely and
14 maliciously stating to another person that a bomb or other
15 explosive has been placed in such a position that property or
16 persons are likely to be injured or destroyed.

17 B. Making a shooting threat consists of
18 intentionally communicating to another person an intent to
19 bring a firearm to a property or use the firearm with the
20 intent to:

21 (1) place a person or group of persons in
22 fear of great bodily harm;

23 (2) prevent or interrupt the occupation or
24 use of a public building; or

25 (3) cause a response to the threat by a law

1 enforcement official or volunteer agency organized to deal
2 with emergencies.

3 C. Whoever commits making a bomb scare is guilty
4 of a fourth degree felony.

5 D. Whoever commits making a shooting threat is
6 guilty of a misdemeanor.

7 E. A court may order a person convicted for the
8 offense of making a bomb scare or shooting threat to
9 reimburse the victim of the offense for economic harm caused
10 by that offense.

11 F. As used in this section, "economic harm" means
12 all direct, incidental and consequential financial harm
13 suffered by a victim of the offense of making a bomb scare or
14 shooting threat. "Economic harm" includes:

15 (1) wages, salaries or other compensation
16 lost as a result of the commission of the offense of making a
17 bomb scare or shooting threat;

18 (2) the cost of all wages, salaries or other
19 compensation paid to employees for time that those employees
20 are prevented from working as a result of the commission of
21 the offense of making a bomb scare or shooting threat; and

22 (3) overhead costs incurred for the period
23 of time that a business is shut down as a result of the
24 commission of the offense of making a bomb scare or shooting
25 threat."

1 SECTION 25. Section 30-7-2.2 NMSA 1978 (being Laws
2 1994, Chapter 22, Section 2) is amended to read:

3 "30-7-2.2. UNLAWFUL POSSESSION OF A HANDGUN BY A
4 PERSON--EXCEPTIONS--PENALTY.--

5 A. Unlawful possession of a handgun by a person
6 consists of a person knowingly having a handgun in the
7 person's possession or knowingly transporting a handgun,
8 except when the person is:

9 (1) in attendance at a hunter's safety
10 course or handgun safety course or participating in a lawful
11 shooting activity;

12 (2) engaging in the use of a handgun for
13 target shooting at an established range authorized by the
14 governing body of the jurisdiction in which the range is
15 located or in an area where the discharge of a handgun
16 without legal justification is not prohibited by law;

17 (3) engaging in an organized competition
18 involving the use of a handgun;

19 (4) participating in or practicing for a
20 performance by an organization that has been granted
21 exemption from federal income tax by the United States
22 commissioner of internal revenue as an organization described
23 in Section 501(c)(3) of the United States Internal Revenue
24 Code of 1986, as amended or renumbered;

25 (5) engaging in legal hunting or trapping

1 activities;

2 (6) traveling, with an unloaded handgun in
3 the person's possession, to or from an activity described in
4 Paragraph (1), (2), (3), (4) or (5) of this subsection; or

5 (7) on real property under the control of
6 the person's parent, grandparent or legal guardian and the
7 person is being supervised by a parent, grandparent or legal
8 guardian.

9 B. A person who commits unlawful possession of a
10 handgun by a person is guilty of a misdemeanor.

11 C. As used in this section:

12 (1) "person" means an individual who is less
13 than nineteen years old; and

14 (2) "handgun" means a loaded or unloaded
15 pistol, revolver or firearm that will or is designed to or
16 may readily be converted to expel a projectile by the action
17 of an explosion and the barrel length of which, not including
18 a revolving, detachable or magazine breech, does not exceed
19 twelve inches."

20 **SECTION 26.** Section 30-7-16 NMSA 1978 (being Laws 1981,
21 Chapter 225, Section 1, as amended) is amended to read:

22 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
23 TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

24 A. It is unlawful for the following persons to
25 receive, transport or possess a firearm or destructive device

1 in this state:

2 (1) a felon;

3 (2) a person subject to an order of
4 protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978;
5 or

6 (3) a person convicted of any of the
7 following crimes:

8 (a) battery against a household member
9 pursuant to Section 30-3-15 NMSA 1978;

10 (b) criminal damage to property of a
11 household member pursuant to Section 30-3-18 NMSA 1978;

12 (c) a first offense of stalking
13 pursuant to Section 30-3A-3 NMSA 1978; or

14 (d) a crime listed in 18 U.S.C. 921.

15 B. A felon found in possession of a firearm shall
16 be guilty of a third degree felony.

17 C. A serious violent felon that is found to be in
18 possession of a firearm shall be guilty of a third degree
19 felony, and notwithstanding the provisions of Section
20 31-18-15 NMSA 1978, shall be sentenced to a basic term of six
21 years imprisonment.

22 D. Any person subject to an order of protection
23 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or
24 convicted of a crime listed in Paragraph (3) of Subsection A
25 of this section who receives, transports or possesses a

1 firearm or destructive device is guilty of a misdemeanor.

2 E. As used in this section:

3 (1) except as provided in Paragraph (2) of
4 this subsection, "destructive device" means:

5 (a) any explosive, incendiary or poison
6 gas: 1) bomb; 2) grenade; 3) rocket having a propellant
7 charge of more than four ounces; 4) missile having an
8 explosive or incendiary charge of more than one-fourth ounce;
9 5) mine; or 6) similar device;

10 (b) any type of weapon by whatever name
11 known that will, or that may be readily converted to, expel a
12 projectile by the action of an explosive or other propellant,
13 the barrel or barrels of which have a bore of more than one-
14 half inch in diameter, except a shotgun or shotgun shell that
15 is generally recognized as particularly suitable for sporting
16 purposes; or

17 (c) any combination of parts either
18 designed or intended for use in converting any device into a
19 destructive device as defined in this paragraph and from
20 which a destructive device may be readily assembled;

21 (2) the term "destructive device" does not
22 include any device that is neither designed nor redesigned
23 for use as a weapon or any device, although originally
24 designed for use as a weapon, that is redesigned for use as a
25 signaling, pyrotechnic, line throwing, safety or similar

1 device;

2 (3) "felon" means a person convicted of a
3 felony offense by a court of the United States or of any
4 state or political subdivision thereof and:

5 (a) less than ten years have passed
6 since the person completed serving a sentence or period of
7 probation for the felony conviction, whichever is later;

8 (b) the person has not been pardoned
9 for the felony conviction by the proper authority; and

10 (c) the person has not received a
11 deferred sentence;

12 (4) "firearm" means any weapon that will or
13 is designed to or may readily be converted to expel a
14 projectile by the action of an explosion or the frame or
15 receiver of any such weapon; and

16 (5) "serious violent felon" means a person
17 convicted of an offense enumerated in Subparagraphs (a)
18 through (n) of Paragraph (4) of Subsection L of Section
19 33-2-34 NMSA 1978; provided that:

20 (a) less than ten years have passed
21 since the person completed serving a sentence or a period of
22 probation for the felony conviction, whichever is later;

23 (b) the person has not been pardoned
24 for the felony conviction by the proper authority; and

25 (c) the person has not received a

1 deferred sentence and completed the total term of deferment
2 as provided in Section 31-20-9 NMSA 1978."

3 SECTION 27. Section 30-22-1.1 NMSA 1978 (being Laws
4 2003, Chapter 260, Section 5) is amended to read:

5 "30-22-1.1. AGGRAVATED FLEEING A LAW ENFORCEMENT
6 OFFICER.--

7 A. Aggravated fleeing a law enforcement officer
8 consists of a person willfully and carelessly driving a
9 vehicle in a manner that endangers the life of another person
10 after being given a visual or audible signal to stop, whether
11 by hand, voice, emergency light, flashing light, siren or
12 other signal, by a uniformed law enforcement officer in an
13 authorized emergency vehicle pursuant to Section 66-7-6 NMSA
14 1978 in pursuit in accordance with the provisions of the Law
15 Enforcement Safe Pursuit Act.

16 B. Whoever commits aggravated fleeing a law
17 enforcement officer that does not result in injury or great
18 bodily harm to another person is guilty of a fourth degree
19 felony.

20 C. Whoever commits aggravated fleeing a law
21 enforcement officer that results in injury to another person
22 is guilty of a third degree felony."

23 SECTION 28. A new section of Chapter 31, Article 3 NMSA
24 1978 is enacted to read:

25 "AVAILABILITY OF GLOBAL POSITIONING SYSTEM DATA ON

1 DEFENDANTS ON PRETRIAL RELEASE.--Any public entity that
2 possesses or controls global positioning system data with
3 respect to a defendant on pretrial release shall make that
4 data available without a warrant to a law enforcement officer
5 pursuant to an ongoing and pending criminal investigation for
6 which there is reasonable suspicion to believe the data will
7 be probative. Any data provided to the law enforcement
8 officer shall be limited to data that relates to the criminal
9 investigation and is not more than one year old. The data
10 shall not be made a part of any public record unless admitted
11 as evidence during a criminal trial. The law enforcement
12 officer may request immediate access to the data if it
13 involves an investigation of:

14 A. any of the following serious violent
15 felony offenses:

- 16 (1) murder in the first degree;
17 (2) first or second degree felony human
18 trafficking of a child;
19 (3) first degree felony abuse of a child;
20 (4) sexual exploitation of a child
21 constituting at least a second degree felony; or
22 (5) a serious violent felony offense as
23 provided in Subparagraphs (a) through (n) of Paragraph (4) of
24 Subsection L of Section 33-2-34 NMSA 1978;

25 B. a felony offense during which a firearm

1 was brandished pursuant to Section 31-18-16 NMSA 1978 or
2 during which a firearm was discharged; or

3 C. a felony offense during which great bodily
4 harm was inflicted as defined in Section 30-1-12 NMSA 1978 or
5 that caused the death of a person."

6 SECTION 29. Section 31-18-15 NMSA 1978 (being Laws
7 1977, Chapter 216, Section 4, as amended) is amended to read:

8 "31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--
9 BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS
10 DEDUCTIONS.--

11 A. As used in a statute that establishes a
12 noncapital felony, the following defined felony
13 classifications and associated basic sentences of
14 imprisonment are as follows:

15 FELONY CLASSIFICATION	BASIC SENTENCE
16 first degree felony resulting in	
17 the death of a child	life imprisonment
18 first degree felony for aggravated	
19 criminal sexual penetration	life imprisonment
20 first degree felony	eighteen years
21	imprisonment
22 second degree felony resulting in	
23 the death of a human being	fifteen years
24	imprisonment
25 second degree felony for a sexual	

1	offense against a child	fifteen years
2		imprisonment
3	second degree felony for sexual	
4	exploitation of children	twelve years
5		imprisonment
6	second degree felony	nine years imprisonment
7	third degree felony resulting in	
8	the death of a human being	six years imprisonment
9	third degree felony for a sexual	
10	offense against a child	six years imprisonment
11	third degree felony for sexual	
12	exploitation of children	eleven years
13		imprisonment
14	third degree felony	three years
15		imprisonment
16	fourth degree felony for sexual	
17	exploitation of children	ten years imprisonment
18	fourth degree felony	eighteen months
19		imprisonment.

20 B. The appropriate basic sentence of imprisonment
21 shall be imposed upon a person convicted and sentenced
22 pursuant to Subsection A of this section, unless the court
23 alters the sentence pursuant to the provisions of the
24 Criminal Sentencing Act.

25 C. A period of parole shall be imposed only for

1 felony convictions wherein a person is sentenced to
2 imprisonment of more than one year, unless the parties to a
3 proceeding agree that a period of parole should be imposed.
4 If a period of parole is imposed, the court shall include in
5 the judgment and sentence of each person convicted and
6 sentenced to imprisonment in a corrections facility
7 designated by the corrections department authority for a
8 period of parole to be served in accordance with the
9 provisions of Section 31-21-10 NMSA 1978 after the completion
10 of any actual time of imprisonment and authority to require,
11 as a condition of parole, the payment of the costs of parole
12 services and reimbursement to a law enforcement agency or
13 local crime stopper program in accordance with the provisions
14 of that section. If imposed, the period of parole shall be
15 deemed to be part of the sentence of the convicted person in
16 addition to the basic sentence imposed pursuant to Subsection
17 A of this section together with alterations, if any, pursuant
18 to the provisions of the Criminal Sentencing Act.

19 D. When a court imposes a sentence of imprisonment
20 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or
21 31-18-17 NMSA 1978 and suspends or defers the basic sentence
22 of imprisonment provided pursuant to the provisions of
23 Subsection A of this section, the period of parole shall be
24 served in accordance with the provisions of Section 31-21-10
25 NMSA 1978 for the degree of felony for the basic sentence for

1 which the inmate was convicted. For the purpose of
2 designating a period of parole, a court shall not consider
3 that the basic sentence of imprisonment was suspended or
4 deferred and that the inmate served a period of imprisonment
5 pursuant to the provisions of the Criminal Sentencing Act.

6 E. The court may, in addition to the imposition of
7 a basic sentence of imprisonment, impose a fine not to
8 exceed:

9 (1) for a first degree felony resulting in
10 the death of a child, seventeen thousand five hundred dollars
11 (\$17,500);

12 (2) for a first degree felony for aggravated
13 criminal sexual penetration, seventeen thousand five hundred
14 dollars (\$17,500);

15 (3) for a first degree felony, fifteen
16 thousand dollars (\$15,000);

17 (4) for a second degree felony resulting in
18 the death of a human being, twelve thousand five hundred
19 dollars (\$12,500);

20 (5) for a second degree felony for a sexual
21 offense against a child, twelve thousand five hundred dollars
22 (\$12,500);

23 (6) for a second degree felony for sexual
24 exploitation of children, five thousand dollars (\$5,000);

25 (7) for a second degree felony, ten thousand

1 dollars (\$10,000);

2 (8) for a third degree felony resulting in
3 the death of a human being, five thousand dollars (\$5,000);

4 (9) for a third degree felony for a sexual
5 offense against a child, five thousand dollars (\$5,000);

6 (10) for a third degree felony for sexual
7 exploitation of children, five thousand dollars (\$5,000);

8 (11) for a third or fourth degree felony,
9 five thousand dollars (\$5,000); or

10 (12) for a fourth degree felony for sexual
11 exploitation of children, five thousand dollars (\$5,000).

12 F. When the court imposes a sentence of
13 imprisonment for a felony offense, the court shall indicate
14 whether or not the offense is a serious violent offense as
15 defined in Section 33-2-34 NMSA 1978. The court shall inform
16 an offender that the offender's sentence of imprisonment is
17 subject to the provisions of Sections 33-2-34, 33-2-36,
18 33-2-37 and 33-2-38 NMSA 1978. If the court fails to inform
19 an offender that the offender's sentence is subject to those
20 provisions or if the court provides the offender with
21 erroneous information regarding those provisions, the failure
22 to inform or the error shall not provide a basis for a writ
23 of habeas corpus.

24 G. No later than October 31 of each year, the
25 New Mexico sentencing commission shall provide a written

1 report to the secretary of corrections, all New Mexico
2 criminal court judges, the administrative office of the
3 district attorneys and the chief public defender. The report
4 shall specify the average reduction in the sentence of
5 imprisonment for serious violent offenses and nonviolent
6 offenses, as defined in Section 33-2-34 NMSA 1978, due to
7 meritorious deductions earned by prisoners during the
8 previous fiscal year pursuant to the provisions of Sections
9 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. The
10 corrections department shall allow the commission access to
11 documents used by the department to determine earned
12 meritorious deductions for prisoners."

13 SECTION 30. Section 31-18-16 NMSA 1978 (being Laws
14 1977, Chapter 216, Section 5, as amended) is amended to read:

15 "31-18-16. USE, BRANDISHING OR DISCHARGE OF FIREARM--
16 ALTERATION OF BASIC SENTENCE--SUSPENSION AND DEFERRAL
17 LIMITED.--

18 A. When a separate finding of fact by the court or
19 jury shows that a firearm was used in relation to a drug
20 transaction or during the commission of aggravated burglary
21 pursuant to Section 30-16-4 NMSA 1978 or a serious violent
22 offense, the basic sentence of imprisonment prescribed for
23 the offense in Section 31-18-15 NMSA 1978 shall be increased
24 by one year, except that when the offender is a serious
25 youthful offender or a youthful offender who received an

1 adult sentence, the sentence imposed by this subsection may
2 be increased by one year.

3 B. When a separate finding of fact by the court or
4 jury shows that a firearm was brandished in the commission of
5 a noncapital felony, the basic sentence of imprisonment
6 prescribed for the offense in Section 31-18-15 NMSA 1978
7 shall be increased by three years, except that when the
8 offender is a serious youthful offender or a youthful
9 offender that received an adult sentence, the sentence
10 imposed by this subsection may be increased by one year.

11 C. When a separate finding of fact by the court or
12 jury shows that a firearm was discharged in the commission of
13 a noncapital felony, the basic sentence of imprisonment
14 prescribed for the offense in Section 31-18-15 NMSA 1978
15 shall be increased by five years, except that when the
16 offender is a serious youthful offender or a youthful
17 offender who received an adult sentence, the sentence imposed
18 by this subsection may be increased by three years.

19 D. For a second or subsequent offense, when a
20 separate finding of fact by the court or jury shows that a
21 firearm was used, brandished, or discharged in relation to a
22 drug transaction or during the commission of aggravated
23 burglary pursuant to Section 30-16-4 NMSA 1978 or a serious
24 violent offense, the sentence shall be increased by five
25 years, except that when the offender is a serious youthful

1 offender or a youthful offender, the sentence imposed by this
2 section may be increased by three years.

3 E. If the case is tried before a jury and if a
4 prima facie case has been established showing that a firearm
5 was used, brandished or discharged in relation to a drug
6 transaction or during the commission of aggravated burglary
7 pursuant to Section 30-16-4 NMSA 1978 or a serious violent
8 offense, the court shall submit the issue to the jury by
9 special interrogatory. If the case is tried by the court,
10 the court shall decide the issue and shall make a separate
11 finding of fact thereon.

12 F. When a separate finding of fact by the court or
13 jury shows that a firearm was used, brandished or discharged
14 in relation to a drug transaction or during the commission of
15 aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or
16 a serious violent offense, the firearm is subject to seizure
17 and forfeiture as an instrumentality pursuant to the
18 provisions of the Forfeiture Act.

19 G. As used in this section:

20 (1) "brandished" means displaying or making
21 a firearm known to another person while the firearm is
22 present on the person of the offending party with intent to
23 intimidate or injure a person;

24 (2) "in relation to a drug transaction"
25 means participating or attempting to participate in the

1 trafficking of a controlled substance pursuant to Section
2 30-31-20 NMSA 1978, distribution of a controlled substance to
3 a minor pursuant to Section 30-31-21 NMSA 1978 or
4 distribution of a controlled or counterfeit substance
5 pursuant to Section 30-31-22 NMSA 1978 as a seller, purported
6 seller or as an accomplice; and

7 (3) "serious violent offense" means an
8 offense enumerated in Subparagraphs (a) through (n) of
9 Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978."

10 SECTION 31. Section 31-28-1 NMSA 1978 (being Laws 2019,
11 Chapter 192, Section 5) is amended to read:

12 "31-28-1. SHORT TITLE.--Chapter 31, Article 28 NMSA
13 1978 may be cited as the "Crime Reduction Grant Act"."

14 SECTION 32. Section 31-28-4 NMSA 1978 (being Laws 2019,
15 Chapter 192, Section 8) is amended to read:

16 "31-28-4. APPLICATIONS FOR GRANTS--PURPOSES--
17 CONDITIONS.--

18 A. A member of a criminal justice coordinating
19 council with the consent of the council may apply to a grant
20 administration agency for a grant to accomplish any of the
21 enumerated purposes provided in Subsection B of this section.

22 B. Crime reduction grants may be made to:

23 (1) develop, expand and improve evidence-
24 based treatment and supervision alternatives to
25 incarceration;

1 (2) reduce barriers to participation by
2 criminal offenders in preprosecution diversion or specialty
3 court programs;

4 (3) develop or improve pretrial service
5 programs;

6 (4) develop or improve coordination of
7 services between law enforcement agencies and treatment
8 programs;

9 (5) establish law enforcement crisis
10 intervention teams;

11 (6) coordinate access to programs for
12 transitional or reentry homes for individuals recently
13 released from incarceration;

14 (7) recruit or retain law enforcement
15 officers, prosecutors, public defenders, corrections officers
16 and mental health workers;

17 (8) develop or expand data-driven policing
18 programs and pretrial services;

19 (9) staff a criminal justice coordinating
20 council; and

21 (10) purchase equipment or provide training
22 to support any of the purposes provided in this section.

23 C. Crime reduction grants shall be conditioned on
24 the criminal justice coordinating council and the recipient
25 member complying with the following:

1 (1) using not more than five percent of a
2 grant for administrative costs of the recipient;

3 (2) in consultation with the commission,
4 developing data-sharing agreements and methods of data
5 sharing among criminal justice agencies and with the
6 commission to allow system-wide analysis of criminal justice
7 operations within the judicial district and statewide;

8 (3) using or developing evidence-based best
9 practices for any programs operated with crime reduction
10 grants;

11 (4) developing performance measures in
12 consultation with the commission and the grant administration
13 agency relevant to the grantee's application;

14 (5) collecting data to evaluate the
15 effectiveness of programs operated with crime reduction
16 grants;

17 (6) evaluating quarterly the process,
18 outputs, outcomes and other performance measures of programs
19 funded with grants for compliance with all provisions of the
20 Crime Reduction Grant Act;

21 (7) providing a quarterly report to the
22 commission for review and comparison with other programs
23 receiving grants for similar purposes; and

24 (8) providing an annual report to the grant
25 administration agency by October 1 of each year regarding

1 program outcomes from use of the grant.

2 D. The commission shall assist with the
3 implementation of data-sharing agreements to ensure
4 compliance with crime reduction grants.

5 E. Each grant administration agency shall identify
6 and require the use or development of evidence-based best
7 practices for programs operated with crime reduction grants
8 distributed by that grant administration agency.

9 F. A grant administration agency may consider any
10 outcome reported to it by a grant recipient from a previous
11 year in making a determination of whether to make subsequent
12 grants or the amount of a subsequent grant."

13 SECTION 33. Section 34-6-5 NMSA 1978 (being Laws 1968,
14 Chapter 69, Section 8, as amended) is amended to read:

15 "34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
16 be thirty district judges in the second judicial district."

17 SECTION 34. Section 34-6-8 NMSA 1978 (being Laws 1968,
18 Chapter 69, Section 11, as amended) is amended to read:

19 "34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall
20 be twelve district judges in the fifth judicial district."

21 SECTION 35. Section 34-6-16 NMSA 1978 (being Laws 1971,
22 Chapter 52, Section 3, as amended) is amended to read:

23 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
24 shall be nine district judges in the thirteenth judicial
25 district."

1 SECTION 36. A new section of the Department of Public
2 Safety Act is enacted to read:

3 "Law Enforcement Retention Fund--Created--Retention
4 Differential Disbursement--Reporting.--

5 A. The "law enforcement retention fund" is created
6 in the state treasury. The fund consists of money
7 appropriated by the legislature, federal money granted to the
8 state for the purposes of the fund, income from investment of
9 the fund and money otherwise accruing to the fund. Money in
10 the fund shall not revert to any other fund at the end of a
11 fiscal year. The department shall administer the fund to
12 provide:

13 (1) retention differential disbursements for
14 law enforcement officers meeting certain levels of tenure;
15 and

16 (2) support for disbursement administration
17 processes and reporting compliance.

18 B. Money in the fund shall be disbursed on
19 warrants signed by the secretary of finance and
20 administration pursuant to vouchers signed by the secretary
21 of public safety.

22 C. Contingent on the completion of reporting
23 requirements provided in Subsection G of this section, the
24 department shall determine and distribute annually the amount
25 necessary to provide to a law enforcement agency for the

1 purpose of providing a retention differential disbursement to
2 law enforcement officers employed by that law enforcement
3 agency. A law enforcement agency shall expend funding
4 received for no other purpose than that permitted by this
5 section, and any unexpended balance received by a law
6 enforcement agency pursuant to this section at the end of a
7 fiscal year shall revert to the law enforcement retention
8 fund. The department shall monitor the use of funding and
9 ensure the proper reversions to the law enforcement retention
10 fund.

11 D. A law enforcement officer shall receive a
12 retention differential disbursement in the amount of five
13 percent of the law enforcement officer's salary upon reaching
14 four, nine, fourteen and nineteen years of service from the
15 anniversary of the law enforcement officer's date of hire
16 with that law enforcement agency; provided that:

17 (1) the law enforcement officer remains
18 employed as a law enforcement officer with that same law
19 enforcement agency for one additional year; and

20 (2) the retention differential disbursement
21 shall be calculated based on the salary of the law
22 enforcement officer on those dates.

23 E. After the calculations for retention
24 differential disbursements are made in accordance with
25 Subsection D of this section, if the balance in the fund is

1 insufficient to permit the total disbursements provided by
2 Subsection D of this section, the department shall reduce
3 that allocation to the maximum amount permitted by available
4 money in the fund.

5 F. The amount provided for a retention
6 differential disbursement shall include the amount of
7 employer tax liabilities, which shall be paid by the employer
8 at the time the retention differential disbursement is
9 provided to the law enforcement officer.

10 G. To receive funding pursuant to Subsection C of
11 this section, a law enforcement agency shall make that
12 request to the department prior to June 1 of each fiscal
13 year, and in that request, the agency shall report the
14 following:

15 (1) the number of officers that are
16 projected to become eligible for a retention differential
17 disbursement in the upcoming fiscal year and the projected
18 amount of the retention differential disbursement, including
19 any employer tax liabilities;

20 (2) the number of law enforcement officers
21 employed by the law enforcement agency for the last five
22 years;

23 (3) the number of years of service of each
24 law enforcement officer employed by the law enforcement
25 agency;

1 (4) the number of law enforcement officers
2 that left the employ of the law enforcement agency in the
3 last year and the stated reasons why each law enforcement
4 officer left the employ of the law enforcement agency;

5 (5) the number of years of service of each
6 law enforcement officer that left the employ of the law
7 enforcement agency in the last year;

8 (6) the number of applicants to the law
9 enforcement agency in the last year;

10 (7) the number of applicants to the law
11 enforcement agency in the last year that attended a law
12 enforcement academy;

13 (8) the number of law enforcement officers
14 that received one or more certifications in the last year;

15 (9) the number of law enforcement officers
16 added to the law enforcement agency via lateral transfer and
17 the years of service of each law enforcement officer at each
18 previous law enforcement agency;

19 (10) any changes to compensation,
20 recruiting, retention or benefits implemented by the law
21 enforcement agency in the last year; and

22 (11) any other information that is used for
23 determining retention rates unless disclosure of such
24 information is otherwise prohibited by law.

25 H. The department shall:

1 (1) provide forms, standards and procedures
2 and related training to law enforcement agencies as necessary
3 for the agencies to report retention information;

4 (2) maintain the privacy and security of
5 information in accordance with applicable state and federal
6 laws; and

7 (3) adopt and promulgate rules as necessary
8 to implement the provisions of this section.

9 I. The annual report and other statistical data
10 reports generated by the department shall include an
11 evaluation of a program's efficacy in law enforcement
12 retention and shall be made available to law enforcement
13 agencies and the public.

14 J. The department shall provide monthly reports to
15 the department of finance and administration and the
16 legislative finance committee about expenditures from the law
17 enforcement retention fund, including an itemized list of
18 expenditures and the balance remaining in the fund.

19 K. The department may waive reporting information
20 required by a law enforcement agency pursuant to Subsection G
21 of this section; provided that the department shall provide
22 an explanation of its decision in writing.

23 L. The department shall submit an annual report
24 providing information collected pursuant to Subsection G of
25 this section to the governor and the legislature no later

1 than December 15 of each year.

2 M. As used in this section:

3 (1) "law enforcement agency" means an agency
4 of the state or local political subdivision of the state that
5 employs certified law enforcement officers or the police
6 department of a tribe that has entered into an agreement with
7 the department pursuant to Section 29-1-11 NMSA 1978;

8 (2) "law enforcement officer" means a full-
9 time salaried public employee of a law enforcement agency, or
10 a certified part-time salaried police officer employed by a
11 law enforcement agency, whose principal duties under law are
12 to hold in custody any person accused of a criminal offense,
13 to maintain public order or to make arrests for crimes; and

14 (3) "retention differential disbursement"
15 means the amount disbursed from the law enforcement retention
16 fund based on a law enforcement officer's service at a law
17 enforcement agency but is not considered salary for the
18 purpose of calculating retirement benefits."

19 SECTION 37. A new section of Chapter 34, Article 9 NMSA
20 1978 is enacted to read:

21 "CRITERIA FOR DISTRIBUTION OF GRANTS.--The
22 administrative office of the courts shall establish criteria
23 for the distribution of grants supporting pretrial services
24 statewide and develop a framework for the standardization of
25 pretrial services and supervision, including performance

1 measurement and reporting. The framework and criteria for
2 grant distribution shall incorporate national best practices
3 and modify them as needed and shall explore the use of
4 electronic location monitoring or other modes of pretrial
5 services to enhance the certainty and celerity of punishment
6 of low-level offenses with minimal impact on correctional
7 institutions."

8 SECTION 38. SHORT TITLE.--Sections 38 through 46 of
9 this act may be cited as the "Violence Intervention Program
10 Act".

11 SECTION 39. DEFINITIONS.--As used in the Violence
12 Intervention Program Act:

13 A. "commission" means the New Mexico sentencing
14 commission;

15 B. "community-based service provider" means an
16 entity that is eligible to be awarded a contract to provide
17 services that accomplish the purposes of the Violence
18 Intervention Program Act;

19 C. "department" means the department of health;
20 and

21 D. "grantee" means a state agency, county,
22 municipality or tribal government that has applied for and
23 received funding pursuant to the Violence Intervention
24 Program Act for the purposes of addressing gun violence and
25 aggravated assaults in a locally focused geographic area.

1 **SECTION 40. VIOLENCE INTERVENTION PROGRAM**

2 FUND--CREATED--PURPOSE.--The "violence intervention program
3 fund" is created as a nonreverting fund in the state
4 treasury. The fund consists of appropriations, gifts, grants
5 and donations. The department shall administer the fund, and
6 money in the fund is appropriated to the department to
7 administer the provisions of the Violence Intervention
8 Program Act and award violence intervention program grants to
9 state agencies, counties, municipalities or tribal
10 governments that the department finds are disproportionately
11 impacted by violent crimes, including homicides, shootings
12 and aggravated assaults. Expenditures from the fund shall be
13 made on warrant of the secretary of finance and
14 administration pursuant to vouchers signed by the secretary
15 of health. The department may expend no more than three
16 percent of the balance of the fund each fiscal year for
17 administering the Violence Intervention Program Act. No
18 money in the fund may be expended in any way except as
19 provided by the Violence Intervention Program Act.

20 **SECTION 41. VIOLENCE INTERVENTION PROGRAM**

21 **REQUIREMENTS.--**A violence intervention program shall:

22 A. use an evidence- or research-based public
23 health approach to reduce gun violence and aggravated
24 assaults;

25 B. use focused deterrence, problem-oriented

1 policing and proven law enforcement strategies to reduce gun
2 violence and aggravated assaults;

3 C. target a population that is at high risk for
4 victimization or retaliation that results from gun violence
5 or aggravated assault through engaging in the cycles of
6 violence in the community;

7 D. use data-driven methods for program
8 development; and

9 E. use program funding in a manner that is
10 directly related to the reduction of gun violence and
11 aggravated assaults.

12 SECTION 42. GRANT AWARDS.--

13 A. On or after July 1, 2022, the department shall
14 receive and review applications for grants from the violence
15 intervention program fund. The department may make grants
16 from the fund to state agencies, counties, municipalities or
17 tribal governments that the department finds are
18 disproportionately impacted by violent crimes, including
19 homicides, shootings and aggravated assaults.

20 B. The department shall make awards of grants from
21 the fund in accordance with the following limitations:

22 (1) grant awards shall be made to at least
23 two counties, municipalities or tribal governments with a
24 population of fifty thousand or less according to the most
25 recent annual university of New Mexico intercensal population

1 estimate;

2 (2) at least twenty percent of the total
3 annual amount appropriated to the fund shall be awarded to
4 counties or municipalities with a population of five hundred
5 forty thousand or greater according to the most recent
6 federal decennial census; and

7 (3) the department of health shall utilize
8 the funds in accordance with department of finance and
9 administration guidelines.

10 **SECTION 43. APPLICATION REQUIREMENTS.--**

11 A. Each application for a grant from the violence
12 intervention program fund shall include:

13 (1) clearly defined, measurable objectives
14 for a proposal to improve public health and safety through
15 evidence-based violence reduction interventions;

16 (2) a comprehensive violence reduction
17 strategic plan, including consistent quality improvement and
18 quality assurance measures, and a description of the
19 strategies and tasks developed by a state agency, county,
20 municipality or tribal government describing the goals of the
21 plan, including community-based services or joint community-
22 based services and law enforcement intervention strategies;

23 (3) a description of how a grant award would
24 be used if awarded; and

25 (4) a list of community-based service

1 providers in the locally focused geographic area in which the
2 grant funds would be used, including those with an expressed
3 commitment to participating in a violence intervention
4 program.

5 B. The commission shall provide state agencies,
6 counties, municipalities and tribal governments with data
7 relevant to grant applications.

8 C. An applicant shall notify the appropriate
9 criminal justice coordinating council established pursuant to
10 Section 31-28-3 NMSA 1978 of its grant application.

11 **SECTION 44. CONDITIONS OF GRANT.--**

12 A. As a condition of each grant made pursuant to
13 the Violence Intervention Program Act, the department shall
14 require each grantee to use at least fifty percent of its
15 grant for the purpose of entering into contracts with one or
16 more community-based service providers.

17 B. Each grantee shall report to the appropriate
18 criminal justice coordinating council established pursuant to
19 Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

20 C. A grant may be awarded to a county or
21 municipality, but shall not be awarded to both a county and a
22 municipality falling within the county.

23 **SECTION 45. RULES.--**The department shall adopt rules
24 necessary to administer the provisions of the Violence
25 Intervention Program Act, including standardized rules

1 pertaining to the collection and sharing of data by grantees.

2 SECTION 46. REPORTS.--

3 A. Each grantee shall report to the department and
4 the commission by November 1 of each year regarding the:

5 (1) purpose and amount of each grant
6 received by the grantee for the previous fiscal year; and

7 (2) processes, outputs and outcomes
8 resulting from each grant approved by the department for the
9 previous fiscal year, including relevant data as required by
10 department rules.

11 B. Each year through 2027, the department and the
12 commission shall report to the legislature by December 1
13 regarding the awards and outcomes of each grantee.

14 SECTION 47. A new section of the Criminal Code is
15 enacted to read:

16 "THREATENING A JUDGE OR AN IMMEDIATE FAMILY MEMBER OF A
17 JUDGE--PENALTY.--

18 A. No person shall threaten a judge or the
19 immediate family member of a judge with the intent to:

20 (1) place the judge or the immediate family
21 member of a judge in fear of great bodily harm to the judge
22 or to an immediate family member of the judge;

23 (2) prevent or interrupt the ability to
24 carry out the judge's job duties; or

25 (3) retaliate against a judge on account of

1 the performance of the judge's official duties during the
2 judge's term of service.

3 B. A person who violates the provisions of this
4 section is guilty of a fourth degree felony.

5 C. As used in this section:

6 (1) "immediate family member" means a
7 spouse, child, sibling, parent, grandparent or grandchild,
8 and "immediate family member" includes a stepparent, a
9 stepchild, a stepsibling and an adoptive relationship;

10 (2) "judge" means a current or former
11 justice, judge, magistrate, domestic violence special
12 commissioner or hearing officer; and

13 (3) "retaliate" means intentionally
14 threatening bodily injury to or damage to the property of a
15 judge or a family member of a judge with the intent to
16 retaliate against the judge for the judge's exercise of the
17 judge's judicial duties and causing the judge or the family
18 member to reasonably believe that the judge's or the family
19 member's person or property is in danger."

20 SECTION 48. A new section of the Criminal Code is
21 enacted to read:

22 "MALICIOUS SHARING OF PERSONAL INFORMATION OF A JUDGE OR
23 AN IMMEDIATE FAMILY MEMBER OF A JUDGE--PENALTY.--

24 A. No person shall share the personal information
25 of a judge or an immediate family member of a judge with the

1 intent to:

2 (1) cause harm to the judge or an immediate
3 family member of a judge;

4 (2) place the judge or an immediate family
5 member of a judge in fear of great bodily harm to the judge
6 or to an immediate family member of the judge; or

7 (3) prevent or interrupt the ability to
8 carry out the judge's job duties.

9 B. A person who violates the provisions of this
10 section is guilty of a misdemeanor.

11 C. As used in this section:

12 (1) "immediate family member" means a
13 spouse, child, sibling, parent, grandparent or grandchild,
14 and "immediate family member" includes a stepparent, a
15 stepchild, a stepsibling and an adoptive relationship;

16 (2) "judge" means a current or former
17 justice, judge, magistrate, domestic violence special
18 commissioner or hearing officer; and

19 (3) "personal information" means a person's
20 personal physical address, personal phone number or physical
21 location."

22 SECTION 49. A new section of the Criminal Code is
23 enacted to read:

24 "OPERATING A CHOP SHOP--PENALTY.--

25 A. Operating a chop shop consists of a person

1 owning, operating, maintaining, controlling or conducting
2 operations in a chop shop, who knows or should have known
3 that it is a chop shop.

4 B. Whoever commits operating a chop shop is guilty
5 of a third degree felony.

6 C. As used in this section:

7 (1) "chop shop" means a premises where a
8 person possesses, receives, stores, disassembles or alters an
9 unlawfully obtained motor vehicle or vehicle as defined in
10 the Motor Vehicle Code, including the alteration or
11 concealment of any identifying feature or number, including
12 the manufacturer's serial number, engine number, decal or
13 other distinguishing number or identification mark or number
14 placed under assignment of the motor vehicle division of the
15 taxation and revenue department; and

16 (2) "unlawfully obtained" means obtained by
17 theft, fraud or deceit or obtained without the permission of
18 the owner.

19 D. Nothing in this section shall be construed to
20 preclude a claim made pursuant to any other section of law."

21 **SECTION 50.** A new section of the Criminal Code is
22 enacted to read:

23 "CRIMINAL DAMAGE TO PROPERTY BY THEFT OR ATTEMPTED THEFT
24 OF REGULATED MATERIAL--PENALTY.--

25 A. Criminal damage to property by theft or

1 attempted theft of regulated material consists of the
2 unlawful taking or attempted taking of any regulated material
3 from another that results in any damage to real or personal
4 property. Whoever commits criminal damage to property by
5 theft or attempted theft of regulated material resulting in
6 property damage or property loss, based on the fair market
7 value of that damage or loss, in an amount of:

8 (1) less than one thousand dollars (\$1,000)
9 is guilty of a petty misdemeanor;

10 (2) one thousand dollars (\$1,000) or more
11 but less than two thousand five hundred dollars (\$2,500) is
12 guilty of a misdemeanor; or

13 (3) two thousand five hundred dollars
14 (\$2,500) or more is guilty of a fourth degree felony.

15 B. For the purposes of this section:

16 (1) "aluminum material" means wire or coil
17 products made from aluminum, an aluminum alloy or an aluminum
18 byproduct;

19 (2) "copper or brass material" means:

20 (a) insulated or noninsulated copper
21 wire, hardware or cable of the type used by a public utility,
22 commercial mobile radio service carrier or common carrier
23 that consists of at least twenty-five percent copper; or

24 (b) a copper or brass item of a type
25 commonly used in construction or by a public utility,

1 commercial mobile radio service carrier or common carrier;

2 (3) "regulated material" means:

3 (a) aluminum material;

4 (b) copper or brass material;

5 (c) steel material;

6 (d) a utility access cover;

7 (e) a water meter cover;

8 (f) a road or bridge guard rail;

9 (g) a highway or street sign;

10 (h) a traffic directional or control
11 sign or signal; or

12 (i) a catalytic converter that is not
13 part of an entire motor vehicle; and

14 (4) "steel material" means
15 infrastructure-grade or construction products made from an
16 alloy of iron, chromium, nickel or manganese.

17 C. Nothing in this section shall be construed to
18 preclude a claim made pursuant to any other section of law."

19 **SECTION 51.** Section 57-30-2.4 NMSA 1978 (being Laws
20 2012, Chapter 29, Section 16 and Laws 2012, Chapter 33,
21 Section 16) is amended to read:

22 "57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL
23 DOCUMENTATION REQUIRED.--

24 A. A secondhand metal dealer shall not purchase
25 any of the following without written documentation indicating

1 that the seller is the rightful owner or has permission from
2 the rightful owner and that the material was otherwise
3 lawfully obtained:

4 (1) infrastructure grade regulated material
5 that has been burned to remove insulation, unless the seller
6 can produce written proof that the regulated material was
7 lawfully burned;

8 (2) regulated material where the
9 manufacturer's make, model, serial or personal identification
10 number or other identifying marks engraved or etched upon the
11 material have been conspicuously removed or altered;

12 (3) regulated material marked with the name,
13 initials or otherwise identified as the property of an
14 electrical company, a telephone company, a cable company, a
15 water company or other utility company, a railroad or a
16 governmental entity;

17 (4) a utility access cover;

18 (5) a water meter cover;

19 (6) a road or bridge guard rail;

20 (7) a highway or street sign;

21 (8) a traffic directional or control sign or
22 signal;

23 (9) a metal beer keg that is clearly marked
24 as being the property of the beer manufacturer; or

25 (10) a catalytic converter that is not part

1 of an entire motor vehicle.

2 B. The department shall promulgate rules that more
3 specifically describe the type of documentation required
4 before a secondhand metal dealer may engage in a transaction
5 described in this section.

6 C. A secondhand metal dealer shall not purchase or
7 otherwise receive any regulated material that the secondhand
8 metal dealer knows is not lawfully possessed by the person
9 offering to sell or provide the regulated material."

10 SECTION 52. A new section of Chapter 30, Article 1 NMSA
11 1978 is enacted to read:

12 "DEFENSE BASED ON VICTIM'S GENDER, GENDER IDENTITY,
13 GENDER EXPRESSION OR SEXUAL ORIENTATION PROHIBITED.--

14 A. It shall not be a defense, justification or
15 excuse in a criminal proceeding that the defendant's conduct
16 was a reaction to the discovery of, knowledge about or
17 potential disclosure of a victim's or witness's actual or
18 perceived:

- 19 (1) gender;
- 20 (2) gender expression;
- 21 (3) gender identity; or
- 22 (4) sexual orientation.

23 B. It shall not be a defense, justification or
24 excuse in a criminal proceeding that the defendant was
25 romantically propositioned in a nonviolent or non-threatening

1 manner by a person of the same gender or a person who is
2 transgender.

3 C. Nothing in this section shall prevent a
4 defendant from raising other recognized affirmative defense.

5 D. As used in this section:

6 (1) "gender expression" means the external
7 appearance of a person's gender identity, often expressed
8 through the person's behavior, physical appearance or voice,
9 which expression may or may not conform to socially defined
10 behaviors and characteristics typically associated with
11 masculinity or femininity;

12 (2) "gender identity" means a person's self-
13 perception, or perception of that person by another, of the
14 person's identity as a male or female based upon the person's
15 appearance, behavior or physical characteristics that are in
16 accord with or opposed to the person's physical anatomy,
17 chromosomal sex or sex at birth; and

18 (3) "sexual orientation" means
19 heterosexuality, homosexuality or bisexuality, whether actual
20 or perceived."

21 **SECTION 53. EFFECTIVE DATE.--**

22 A. The effective date of the provisions of
23 Sections 21, 22 and 33 through 35 of this act is July 1,
24 2022.

25 B. The effective date of the provisions of

1 Sections 2 through 6 and 7 through 20 of this act is July 1,
2 2023.

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