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| LFC Requester: | Sunny Liu |
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

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

SECTION I: GENERAL INFORMATION

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

Check all that apply:

| | | | | | |
|-------------------|-------------------------------------|-------------------|--------------------------|-----------------|----------------|
| Original | <input checked="" type="checkbox"/> | Amendment | <input type="checkbox"/> | Date | <u>1/17/19</u> |
| Correction | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Bill No: | <u>HB129</u> |

| | | | |
|---------------------|---|--------------------------------|-----------------------------------|
| Sponsor: | <u>Rep. Linda M. Trujillo and Sen. Craig Brandt</u> | Agency Code: | <u>924</u> |
| Short Title: | <u>PERSONNEL & DEADLY WEAPONS</u> | Person Writing Analysis | <u>Daniel Manzano</u> |
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY19 | FY20 | | |
| NFI | NFI | Nonrecurring | General |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY19 | FY20 | FY21 | | |
| NFI | NFI | NFI | Nonrecurring | N/A |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY19 | FY20 | FY21 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | NFI | NFI | NFI | NFI | Nonrecurring | N/A |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 01/17/19

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 1/17/19

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 129 (HB129) allows retired peace officers and properly licensed contract security guards to carry deadly weapons on school premises, specifying level three security guard licensure requirements for school security personnel. HB129 also defines “school security personnel” where no definition currently exists in New Mexico law.

FISCAL IMPLICATIONS

The Public Education Department (PED) would have to notify school districts and charter schools about this change to state law, which will need to be reflected in the PED’s guidance document and review rubric for Safe Schools Planning. The Safe Schools Coordinator within the PED would have to create a system to catalog districts and charter schools contracting with licensed school security personnel as part of Safe Schools Plan requirements, possibly creating a new Safe Schools Plan Assurance. This can be accomplished with existing PED resources and staff.

SIGNIFICANT ISSUES

Active shooter incidents number in the dozens annually in the United States, with more than one quarter of those occurring in schools. A measure to ameliorate school casualties may be hiring school resource officers (SROs), which are defined as current sworn law enforcement assigned by their law enforcement agency to work in the schools. If SROs are not available, properly trained, licensed and regulated armed security officers provide another option.

The New Mexico Public School Insurance Authority (NMPSIA) recognizes the concern among Districts/Charter Schools regarding violent threat situations and the desire to protect students and staff. It is NMPSIA’s position that, due to their extensive training, sworn law enforcement officers are the most effective responders to any emergency in which the threat of great bodily harm is posed to students and school personnel.

However, NMPSIA also recognizes that some Districts/Charter Schools are located in remote areas and that response times from law enforcement or other emergency responders may exceed 30 minutes. Recognizing the concern among Districts/Charter Schools regarding imminent violent threat situations and the need to protect students and staff should such a situation arise, in March 2018, NMPSIA released [Mandatory Standards](#) regarding the carrying of firearms at a

District/Charter School. Pursuant to the New Mexico Occupational Health and Safety Act (50-9-5A NMSA 1975), NMPSIA's Mandatory Standards require that a District/Charter School must adhere to the following guidelines prior to contracting school security personnel to carry a firearm on school premises.

- (1) Any New Mexico District/Charter School seeking an armed security presence at their District/Charter should contract with local certified law enforcement agency for a School Resource Officer (SRO) or other sworn law enforcement officer whenever possible.
- (2) If it is determined by a District/Charter School that it is not feasible to obtain an SRO, it would be preferred to contract with an outside security company, licensed through the State of New Mexico Regulation and Licensing Department (RLD) as outlined in NMAC 16.48.1 (Occupational and Professional Licensing General Provisions) and pursuant to the New Mexico Private Investigators Act (61-27B-1 NMSA 1978) and specifically trained to be stationed among students in a campus setting.

HB129 supports option two of the NMPSIA Mandatory Standards above by amending current state law to allow for "a contract school security guard registered as a level three security guard and supervised pursuant to the Private Investigations Act" to carry deadly weapons on school premises.

HB129 amends Section 30-7-2.1 NMSA 1978 by permitting "retired peace officers" to carry deadly weapons on school premises. However, HB129 might consider specifying that the "retired peace officers" be retired from a New Mexico law enforcement agency, in good standing with their former law enforcement agency and having met all training and/or licensure requirements.

HB129 defines "school security personnel," currently undefined in Section 30-7-2.1 NMSA 1978, as "a person employed by a school district, state agency or charter school to act as armed school security in a school, with no other job title or accompanying job duties." Having no other job duties is consistent with NMPSIA's preference to limit those with a primary duty of care to students (e.g., teachers, administrators, etc.) from carrying deadly weapons on school premises.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

A short term implication of HB129 is that the PED would have to notify school districts and charter schools about this change to state law, which would have to be reflected in the PED's guidance document and review rubric for Safe Schools Planning. The Safe Schools Coordinator in the Safe and Healthy Schools Bureau will need to create a system to catalog districts and charter schools contracting with licensed school security personnel as part of Safe Schools Plan requirements, possibly creating a new Safe Schools Plan Assurance This can be accomplished with existing PED resources and staff.

HB129 may require the PED to revise to the Standards of Professional Conduct, NMAC 6.60.9.9 (C).(23)(c) regarding "bringing firearms onto school property or possessing them on school property, except with proper authorization

HB129 may require the RLD to revise the Private Investigations Act, NMAC 16.48.1.11(B)(1) and (B)(3), regarding Level 3 Private Security Licensure Exemptions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 01/17/19

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None as of 01/17/19

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Districts and state-chartered charter schools would continue to provide school security through existing parameters and local protocols. Retired peace officers and licensed Level 3 contract security guards will not be permitted to carry deadly weapons on school premises. "School security personnel" will continue to be undefined in New Mexico law.

AMENDMENTS

Page 2, lines 20 and 21, the legislators may want to add preschools/pre-kindergartens and middle schools.