

<b>LFC Requester:</b>	<b>Liu</b>
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**AGENCY BILL ANALYSIS  
2023 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

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

**Date Prepared:** 02/13/23  
**Bill No:** HB295

**Sponsor:** Nibert  
**Short Title:** FIREARMS ON SCHOOL  
PROPERTY SOFTWARE

**Agency Name and Code**  
**Number:** PED - 924  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	\$2,500.0	N/A	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	\$250.0	\$250.0	\$750.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 295 (HB295) would appropriate \$2.5 million to the Public Education Department (PED) for FY24 through FY26 to fund a school security pilot project in southeast New Mexico. Any funds remaining at the end of FY26 shall revert to the general fund.

HB295 would require that PED contract with a private entity for software that detects the presence of visible firearms on school property and alerts school personnel and first responders of that presence, as well as for the fulltime management of the software. The bill would also require that the contract be focused on school districts included in Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Lincoln, Otero, Quay and Roosevelt counties.

### **FISCAL IMPLICATIONS**

The bill includes a \$2.5 million appropriation in FY24 for use through FY26.

### **SIGNIFICANT ISSUES**

The Public School Facilities Authority (PSFA) and Public School Capital Outlay Council (PSCOC) currently manage school security infrastructure. Under current law, in Section 22-24-5(B)(9) NMSA 1978 of the Public School Capital Outlay Act, a standalone appropriation to specific school districts for such projects create offsets, credits that would be taken against a future award from the PSCOC for those districts.

In 2018, the Public School Capital Outlay Act was amended to allow the PSCOC to develop guidelines for a school security system project grant program. Grants are distributed according to the public school capital outlay fund distribution requirements in 22-24-5 NMSA 1978, which provide that public school capital outlay funds shall be matched locally. School safety grants have been administered by PSFA through the PSCOC in recent years.

In 2018, the Legislature appropriated \$16 million from the Public School Capital Outlay Fund for school security systems statewide, and the PSCOC distributed the funds to schools in the 2018-2019 school year. The funding was matched by a total of \$14.3 million from school districts and charter schools.

The bill requires that the software in question be designated as “qualified antiterrorism technology pursuant to the federal SAFETY Act, 6 U.S.C. Sections 441, et seq.” The SAFETY Act permits software to be so designated when it meets a number of criteria, including but not limited to:

1. Prior United States Government use or demonstrated substantial utility and effectiveness.
2. Availability of the technology for immediate deployment in public and private settings.
3. Existence of extraordinarily large or extraordinarily unquantifiable potential third party liability risk exposure to the Seller or other provider of such anti-terrorism technology.
4. Substantial likelihood that such anti-terrorism technology will not be deployed unless protections under the system of risk management provided under this part are extended.
5. Magnitude of risk exposure to the public if such anti-terrorism technology is not deployed.
6. Evaluation of all scientific studies that can be feasibly conducted in order to assess the capability of the technology to substantially reduce risks of harm.
7. Anti-terrorism technology that would be effective in facilitating the defense against acts of terrorism, including technologies that prevent, defeat or respond to such acts.

The bill provides very specific requirements that include more than just technical specifications, such as requirements that the software be patented by the United States patent and trademark office and include a training database that is populated with frames of actual videos of firearms detected in relevant environments across diverse industries, and that it be developed in the United States without the use of any third-party or open source data. It is unclear how many

software packages may actually fulfill particular requirements.

#### **PERFORMANCE IMPLICATIONS**

None.

#### **ADMINISTRATIVE IMPLICATIONS**

PED would need to procure and manage a contract for the software defined in HB295. This can be accomplished with current department resources.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

[House Bill 254, School Marshal Act](#), would create the School Marshal Act in the Public School Code to allow school districts to appoint employees to serve as school marshals.

[Senate Bill 93, Mora School Security](#), which proposes to appropriate \$78 thousand to PED for expenditure in FY25 for updated security infrastructure for Mora Independent School District.

[Senate Bill 95, Statewide School Safety](#), which would appropriate to \$25 million from the Public School Capital Outlay Fund to the PED for expenditure in FY24 for school safety statewide.

[Senate Bill 131, Public School Funding Changes](#), would appropriate \$25 million from the public school capital outlay fund to the Public School Finance Authority (PSFA), and would require PSFA to disburse the funds to school districts in FY24, to be used for school security infrastructure.

#### **TECHNICAL ISSUES**

None.

#### **OTHER SUBSTANTIVE ISSUES**

In 2022 there were two active shooter incidents in US schools ([Charts & Graphs - CHDS School Shooting Safety Compendium](#)). Behavioral health investments that support positive school environments and social emotional learning can help prevent school shootings.

#### **ALTERNATIVES**

To reduce the likelihood of school shootings the sponsors may consider investing \$2.5 million in behavioral health services.

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

None.

#### **AMENDMENTS**

None.