



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/21 /25

Bill No: HB485

Agency Name and Code: PED - 924

Sponsor: Lord/Block

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Short Title: SCHOOL MARSHAL ACT

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 485 (HB485) would create the School Marshal Act in the Public School Code to allow school districts to employ school marshals. The bill defines “school marshal” as a retired or former certified and commissioned law enforcement officer who was certified and commissioned for no less than three years and left law enforcement in good standing and who is employed by a school district.

FISCAL IMPLICATIONS

HB485 does not include an appropriation.

SIGNIFICANT ISSUES

Current law and rule. In 2019, the [School Personnel Act](#) was amended to define school security personnel and the conditions under which firearms may be present on school grounds ([Section 22-10A-40 NMSA 1978](#)). HB485 would duplicate much of existing law and rule in the School Marshal Act. Rule [6.12.12 NMAC, Armed Public School Security Personnel](#), currently specifies that school security personnel defined in the School Personnel Act shall have been certified and commissioned law enforcement officers for at least three years and left in good standing, effectively giving existing school security personnel in existing law and school marshals in HB485 identical definitions. The School Personnel Act requires that school security personnel shall not perform any other job in the school district, by title or duty, other than school security while carrying a firearm.

[6.12.12 NMAC](#) requires that school security personnel, prior to employment, complete:

- a 16-hour program of training, approved by PED in collaboration with the New Mexico Public School Insurance Authority (NMPSIA), for working with students with special needs;
- a four-hour program of training approved by PED and NMPSIA on cultural competency and prohibited profiling practices;
- a background check; and
- firearms training and successful firearms qualification provided by a certified use-of-force instructor through a local law enforcement agency, or through a New Mexico Law Enforcement Academy certified firearms instructor, and ongoing annual firearms training.

[6.12.12 NMAC](#) specifies the requirements of the firearms training:

- an initial use-of-force training program of eight hours and details of what must be included;
- an initial firearms training program of 16 hours;
- an annual qualification shoot requiring qualifying scores that meet or exceed the New Mexico law enforcement academy standard scores; and
- an annual firearms manipulation training program of four hours.

[6.12.12 NMAC](#) also requires physical and psychological examination, and bars certain persons from serving as security personnel, including:

- individuals convicted of felonies or misdemeanors involving moral turpitude and the

- conviction relates to employment as security personnel;
- individuals convicted of drug trafficking, criminal sexual penetration, or related sexual offense, child abuse, or sexual exploitation of children;
- individuals who have been subject to employment investigation resulting in a finding of ethical misconduct related to inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, or grooming;
- individuals who have been convicted of battery of a household member or dependent, or stalking;
- individuals convicted of negligent or illegal use of firearms; or
- individuals who have received discipline for the excessive use of force.

Provisions of HB485. HB485 would duplicate much of existing law and rule in the School Marshal Act but does not repeal existing provisions in law. Requirements regarding school marshals that differ from the current provisions for school security personnel are:

- the requirement to hold a concealed handgun permit;
- that school districts and charters report the school marshals' names and identifying information to PED, NMPSIA, the Law Enforcement Certification Board, and applicable law enforcement agencies; and
- school marshals may not simultaneously collect retirement from either the Educational Retirement Board or the Public Employees Retirement Association.

HB485 also specifies conditions under which a school marshal would no longer be eligible to serve, which includes:

- the suspension or revocation of a concealed carry permit;
- formal discipline for the use of excessive force or misconduct or is convicted of a felony; a misdemeanor involving moral turpitude that has bearing on the job of school marshal; crimes that include inappropriate touching, sexual harassment, sexual assault, sexual abuse, discrimination, behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior, crimes against children and dependents or sexual exploitation of children; or negligent or illegal use of a firearm; or
- the person's employment with the school district ends.

The bill would also create a new section of the Law Enforcement Training Act to create the School Marshal Training Program.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- House Bill 39, Juvenile Record in Firearm Background Checks, which would provide access to juvenile delinquency records for firearm background checks.
- Houe Bill 260, Allowable Responses to Student Behavior, which would restrict the sorts

of disciplinary actions that can be used to address student behavior.

- House Bill 473, School Security Personnel, which would provide for a greater number of experienced professionals to qualify as school security personnel.
- Senate Bill 136, Firearm Detection Software Fund, which would allow school districts and charter schools to apply for funding for the installation of firearm detection software in schools.
- Senate Bill 256, School Teachers On-Site Protection Act, which would allow for school employees to be licensed and appointed to carry handguns on school premises.

TECHNICAL ISSUES

The current definition of school security personnel and the proposed definition of school marshals are nearly identical, when considering existing PED rule. HB485 also adds school marshals to the statutory definition of school security personnel, and simultaneously requires that school marshals meet the requirements of school security personnel, thereby creating a circular reference. The bill would amend [Section 30-7-2.1 NMSA 1978](#) of the Criminal Code, so that carrying a weapon on school premises would be unlawful for anyone but school security personnel, a school marshal or other law enforcement officer.

The bill creates a third class of persons who are permitted to carry weapons on school grounds in addition to school security personnel and school resource officers (SROs), with requirements for school marshals that are nearly identical to those for school security personnel and that also incorporate existing requirements by reference. This is redundant. The same purpose could be accomplished via amendment to Section 22-10A-40 NMSA 1978 of the School Personnel Act. Existing directions to PED to promulgate rules to execute that section of the Personnel Act would address potential conflicts with rule. The potential passage of HB485 would recommend either repeal or substantial amendment of Section 22-10A-40 NMSA 1978.

OTHER SUBSTANTIVE ISSUES

HB485 allows for school marshals, like SROs and other commissioned law enforcement officers, to carry firearms on school campuses. There are clear expectations and protections for SROs and other commissioned law enforcement officers when using force. The same is not true for school security personnel and would not be true for school marshals as provided for by HB485. While school boards and governing councils may create local policies for use of force, those are unlikely to shield a school marshal from litigation when using force. School boards may need technical assistance from the Department of Public Safety, law enforcement, and NMPSIA to create guidance and policies for school marshals.

Having firearms on a school campus, can lead to accidental shootings, even in the hands of commissioned law enforcement officers such as SROs. [Giffords Law Center](#) reports that over the last five years there have been nearly 100 publicly reported incidents of mishandled guns in schools, including an SRO who discharged his firearm accidentally in [Picacho Middle School](#) in Las Cruces.

According to a [June 2022 article](#) in the Texas Tribune, in 2023 Texas implemented a school marshal program, to “reduce response times from minutes down to seconds.” However, only 84 of more than 1,200 districts had implemented the program. In the article, teachers cite the concern of having guns around students as a deterrent to implementing the program.

Armed security in schools must be former or retired law enforcement if not working in the capacity of SROs, who are employees of the law enforcement department they are assigned to and not school staff. School security personnel are employees of the school or school district and are former police.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor may consider amending Section 22-10A-40 NMSA 1978 of the School Personnel Act to accomplish the same purpose of HB485.