

**ARTICLE 7
LAW ENFORCEMENT TRAINING ACT**

NMSA 1978 Section 29-7-1 to 29-7-13 (Repl. Pamp. 2001)

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**ARTICLE 7A
PUBLIC SAFETY TELECOMMUNICATOR TRAINING
NMSA 1978 Section 29-7C-1 to 29-7C-7 (Repl. Pamp. 2001)**

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ARTICLE 7
LAW ENFORCEMENT TRAINING ACT
NMSA 1978 Section 29-7-1 to 29-7-13 (Repl. Pamp. 2001)

29-7-1. Short title.

Chapter 29, Article 7 NMSA 1978 may be cited as the "Law Enforcement Training Act".

29-7-2. Academy established.

The "New Mexico law enforcement academy" is established to provide a planned program of basic law enforcement training and in-service law enforcement training for police officers and to furnish instruction and seminars to constantly upgrade law enforcement within the state.

29-7-3. New Mexico law enforcement academy board.

A. There is created the "New Mexico law enforcement academy board".

B. The academy shall be controlled and supervised by policy set by the board.

The board shall be composed of the attorney general, who shall serve automatically by reason of his office and serve as chairman of the board, and six members who are qualified electors to be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment.

C. On or before July 1, 1994, the governor shall increase the number of members on the board to eight by appointing two additional members. The seventh member of the board shall be a citizen-at-large member whose term shall end on July 1, 1996. The eighth member of the board shall be a police officer who is a New Mexico certified police officer, holding the rank of sergeant or below at the time of his appointment, and whose term shall end on July 1, 1996 or sooner if he retires or is deactivated from duty for longer than thirty days. Appointments to the board shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year. At all times, the board shall have represented on it, as members, one municipal police chief, one sheriff, one state police officer, one district attorney, one certified police chief of a New Mexico Indian tribe or pueblo, one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members. Vacancies shall be filled by the governor for the unexpired term.

D. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

29-7-4. Powers and duties of board.

The board shall:

- A. approve or disapprove the appointment of the director of the academy by the secretary of public safety;
- B. develop and implement a planned program of basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis;
- C. prescribe qualifications for instructors and prescribe courses of instruction for basic law enforcement training and in-service law enforcement training;
- D. report annually to the governor;
- E. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy;
- F. adopt, publish and file, in accordance with the provisions of the State Rules Act [Chapter 14, Article 4 NMSA 1978], all regulations and rules concerning the operation of the academy and the implementation and enforcement of the provisions of the Law Enforcement Training Act [Chapter 29, Article 7 NMSA 1978];
- G. issue, grant, deny, renew, suspend or revoke a peace officer's certification for any cause set forth in the provisions of the Law Enforcement Training Act;
- H. administer oaths and take testimony on any matter within the board's jurisdiction; and
- I. perform all other acts appropriate to the development and operation of the academy.

29-7-5. Powers and duties of the director.

The director shall:

- A. be the chief executive officer of the academy and employ necessary personnel;
- B. issue a certificate of completion to any person who graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978;
- C. perform all other acts necessary and appropriate to the carrying out of his duties;
- D. act as executive secretary to the board;
- E. carry out the policy as set by the board; and
- F. annually evaluate the courses of instruction being offered by the academy and make necessary modifications and adjustments to the programs.

29-7-5.1. Removal of director.

The director may be removed by the board in accordance with the procedures provided in Section 29-2-11 NMSA 1978 for removal of members of the New Mexico state police holding permanent commissions. In the case of removal proceedings for the director

under that section, the words "New Mexico state police board" or "board" shall be construed to mean the New Mexico law enforcement academy board.

29-7-6. Qualifications for certification.

- A. An applicant for certification shall provide evidence satisfactory to the board that he:
- (1) is a citizen of the United States and has reached the age of majority;
 - (2) holds a high school diploma or the equivalent;
 - (3) holds a valid driver's license;
 - (4) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding his application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
 - (5) after examination by a licensed physician, is free of any physical condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act [Chapter 29, Article 7 NMSA 1978];
 - (6) after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;
 - (7) is of good moral character;
 - (8) has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board; and
 - (9) has previously been awarded a certificate of completion by the director attesting to the applicant's completion of an approved law enforcement training program.
- B. A person employed as a police officer by any law enforcement agency in this state shall forfeit his position unless, no later than twelve months after beginning his employment as a police officer, the person satisfies the qualifications for certification set forth in Subsection A of this section and is awarded a certificate attesting to that fact.

29-7-6.1. County sheriffs; training requirement.

- A. Every county sheriff, except sheriffs who have previously been awarded a certificate attesting to completion of a basic law enforcement training program, shall participate in and complete an administrative law enforcement training program no later than twelve months after the date he assumes office as a county sheriff.
- B. The director of the training and recruiting division of the department of public safety shall establish the administrative law enforcement training program for county sheriffs, subject to review and approval by the executive committee of the sheriff's affiliate of the New Mexico association of counties.

C. A county sheriff's per diem, mileage and tuition expenses attributed to attendance at the administrative law enforcement training shall be paid for by the governing body of the county served by that sheriff.

29-7-7. Definitions.

For the purpose of the Law Enforcement Training Act [Chapter 29, Article 7 NMSA 1978]:

- A. "academy" means the New Mexico law enforcement academy;
- B. "basic law enforcement training" means a course consisting of not less than four hundred hours of instruction in basic law enforcement training as required by the Law Enforcement Training Act;
- C. "board" means the New Mexico law enforcement academy board;
- D. "conviction" means an adjudication of guilt or a plea of no contest and includes convictions that are suspended or deferred;
- E. "director" means the director of the academy;
- F. "in-service law enforcement training" means a course of instruction required of all certified peace officers designed to train and equip all police officers in the state with specific law enforcement skills and to ensure the continuing development of all police officers in the state. The training and instruction shall be kept current and may be conducted on a regional basis at the discretion of the director;
- G. "police officer" means any commissioned employee of a law enforcement agency that is part of or administered by the state or any political subdivision of the state and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional law enforcement training facility, and who is currently certifiable by the New Mexico law enforcement academy which employee is responsible for the prevention and detection of crime or the enforcement of the penal or traffic or highway laws of this state. The term specifically includes deputy sheriffs. Sheriffs are eligible to attend the academy and are eligible to receive certification as provided in the Law Enforcement Training Act [Chapter 29, Article 7 NMSA 1978]. As used in this subsection, "commissioned" means an employee of a law enforcement agency who is authorized by a sheriff or chief of police to apprehend, arrest and bring before the court all violators within the state; and
- H. "certified regional law enforcement training facility" means a law enforcement training facility within the state certified by the director, with the approval of the academy's board of directors, that offers basic law enforcement training and in-service law enforcement training that is comparable to or exceeds the standards of the programs of the academy.

29-7-7.1. In-service law enforcement training; requirements; eligibility.

- A. In-service law enforcement training consists of at least forty hours of academic instruction, approved by the board, for each certified police officer during each twenty-four month period of employment or service with a political subdivision.

The first training course shall commence no later than twelve months after graduation from an approved basic law enforcement training program.

B. All certified police officers who are eligible for in-service training shall, during each twenty-four month period of employment, complete a minimum of forty hours of in-service law enforcement training in courses approved by the board. All certified police officers shall provide proof of completing in-service law enforcement training requirements to the director no later than March 1 of the year in which the requirements must be met. The director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. Failure to complete in-service law enforcement training requirements may be grounds for suspension of a certified police officer's certification. A police officer's certification may be reinstated by the board when the police officer presents the board with evidence of satisfying in-service law enforcement training requirements.

29-7-7.2. Reports.

Every law enforcement agency within the state shall submit quarterly a report to the director on the status of each police officer employed by the law enforcement agency. The reports shall include the status of in-service law enforcement training. The reporting forms and submittal dates shall be prescribed by the director.

29-7-8. Repealed.

29-7-9. Repealed.

29-7-10. Certification by waiver.

A. The director shall, with the approval of the board, waive the basic law enforcement training program and certify applicants who are employed as full-time police officers and who furnish evidence of satisfactory completion of a basic law enforcement training program which is comparable to or exceeds the standards of the programs of the academy.

B. All individuals allowed a waiver under this section must meet the requirements set out in the Law Enforcement Training Act [Chapter 29, Article 7 NMSA 1978], and this section shall not be construed to exempt them from such requirements in any manner.

29-7-11. Repealed.

29-7-12. Charges; fund created; use

A. The training and recruiting division of the department of public safety shall not charge local public bodies and New Mexico Indian tribes and pueblos for any expenses associated with providing basic law enforcement training programs to applicants for certification seeking commission pursuant to the provision of the Law Enforcement Training Act [Chapter 29, Article 7 NMSA 1978]. The division may charge

state agencies and institutions and federal agencies and shall charge civilian participants for the cost of providing basic law enforcement training programs, which charges shall be specified in a tuition and fee schedule promulgated by the New Mexico law enforcement academy board and shall not exceed the actual cost of providing the training programs.

B. The training and recruiting division may charge state agencies and institutions, local public bodies, New Mexico Indian tribes and pueblos and federal agencies and shall charge civilian participants for the cost of providing advanced training programs, which charges shall be specified in a tuition and fee schedule promulgated by the New Mexico law enforcement academy board and shall not exceed the actual cost of providing the training programs.

C. The training and recruiting division may charge for the rental or other use of the academy's facility, personnel and equipment, which charges shall be specified in a tuition and fee schedule promulgated by the New Mexico law enforcement academy board and shall not exceed the actual cost of the facility, personnel or equipment.

D. The "law enforcement training and recruiting fund" is created in the state treasury. Money received by the training and recruiting division for activities specified in this section shall be deposited in the fund. The department of public safety shall administer the fund, and money in the fund is appropriated to the division to offset the operational costs of the division. Unexpended or unencumbered balances in the fund shall revert to the general fund at the end of a fiscal year. Money shall be expended on warrants issued by the secretary of finance and administration upon vouchers signed by the secretary of public safety or his authorized representative.

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

29-7-13. Refusal, suspension or revocation of certification.

A. After consultation with the employing agency, the board may refuse to issue, or may suspend or revoke a police officer's certification when the board determines that a person has:

- (1) failed to satisfy the qualifications for certification, set forth in Section 29-7-6 NMSA 1978;
- (2) committed acts that constitute dishonesty or fraud;
- (3) been convicted of, pled guilty to or entered a plea of no contest to:
 - (a) any felony charge; or
 - (b) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances or any law or ordinance involving moral turpitude;
- (4) knowingly made any false statement in his application for certification.

B. The board shall develop, adopt and promulgate administrative procedures for suspension or revocation of a police officer's certification that include notice and an opportunity for the affected police officer to be heard as well as procedures for review of the board's decision.

ARTICLE 7C
PUBLIC SAFETY TELECOMMUNICATOR TRAINING PROGRAM
NMSA 1978 Section 29-7C-1 to 29-7C-9 (Repl. Pamp. 2001)

29-7C-1. Short title.

Sections 3 through 11 [29-7C-1 to 29-7C-9 NMSA 1978] of this act may be cited as the "Public Safety Telecommunicator Training Act".

29-7C-2. Definitions.

As used in the Public Safety Telecommunicator Training Act [29-7C-1 NMSA 1978]:

- A. "board" means the New Mexico law enforcement academy board;
- B. "certified" means meeting the training standards established by statute and rule as determined by the board;
- C. "director" means the director of the New Mexico law enforcement academy;
- D. "dispatch" means the relay of information to public safety personnel by all forms of communication;
- E. "safety agency" means a unit of state or local government, a special purpose district or a private business that provides police, firefighting or emergency medical services; and
- F. "telecommunicator" means an employee or volunteer of a safety agency who:
 - (1) receives calls or dispatches the appropriate personnel or equipment in response to calls for police, fire or medical services; and
 - (2) makes decisions affecting the life, health or welfare of the public or safety employees.

29-7C-3. Qualifications for certification.

An applicant for certification shall provide evidence satisfactory to the board that he:

- A. is a citizen or legal resident of the United States and has reached the age of majority;
- B. holds a high school or general equivalency diploma from an accredited institution;
- C. has not been convicted of, pled guilty to or entered a plea of nolo contendere to a:
 - (1) felony charge; or
 - (2) violation of a federal or state law, a local ordinance relating to aggravated assault or theft or a law involving moral turpitude within the three-year period immediately preceding his application;
- D. has not received a dishonorable discharge from the armed forces of the United States;

- E. is free from a physical, emotional or mental condition that might adversely affect his performance;
 - F. is of good moral character;
 - G. has met all other requirements for certification prescribed by the board;
- and
- H. has received a certificate attesting to his completion of an approved basic telecommunicator training program from the director.

29-7C-4. Basic telecommunicator training program.

The board shall develop and adopt a basic telecommunicator training program for telecommunicator certification. The program shall be constructed to meet the minimum basic needs of telecommunicators in New Mexico.

29-7C-5. Minimum training standards for certification.

A. A telecommunicator shall satisfy the qualifications for certification set forth in the Public Safety Telecommunicator Training Act [29-7C-1 NMSA 1978] within twelve months after beginning employment and shall provide a certificate of completion to the director.

B. The director shall waive the training requirements set forth in Subsection A of this section for a police radio dispatcher who is certified as a police radio dispatcher and has met all other requirements set forth by the board.

29-7C-6. Certification by waiver.

A. The director shall waive the basic telecommunicator training program and certify applicants who furnish evidence of satisfactory completion of a basic telecommunicator training program that, in the director's opinion, is substantially equivalent to the board's basic telecommunicator training program.

B. A telecommunicator granted a waiver under this section shall meet all other requirements set out in the Public Safety Telecommunicator Training Act [29-7C-1 NMSA 1978].

29-7C-7. In-service telecommunicator training.

A. In-service telecommunicator training consists of at least twenty hours of board-approved advanced training for each certified telecommunicator during each two-year period. The first training course shall commence no later than twelve months after graduation from a board-approved basic telecommunicator training program.

B. A certified telecommunicator shall provide proof of completion of in-service training requirements to the director no later than March 1 of the year subsequent to the year in which the requirements are met. The director shall provide annual notice to all certified telecommunicators regarding in-service training requirements. Failure to complete in-service training requirements may be grounds for suspension of a telecommunicator's certification at the director's discretion. A telecommunicator may be

reinstated at the discretion of the director when the telecommunicator presents to the director evidence he has satisfied the in-service training requirements.

29-7C-8. Reports and rosters.

- A. A safety agency that operates within the state shall submit a quarterly report to the director on the status of each telecommunicator. The reporting forms and submittal dates shall be prescribed by the director.
- B. The director shall maintain a roster of all certified telecommunicators.

29-7C-9. Refusal, suspension or revocation of certification.

A. The board shall refuse to issue or shall suspend or revoke a telecommunicator's certification, after consultation with his employing safety agency, if the board determines that a person has:

- (1) failed to satisfy the qualifications for certification set forth in Section 29-7A-3 NMSA 1978;
- (2) committed acts that constitute dishonesty or fraud;
- (3) been convicted of, pled guilty to or entered a plea of nolo contendere to a:
 - (a) felony charge; or
 - (b) violation of a federal or state law, a local ordinance relating to aggravated assault or theft or a law involving moral turpitude; or
- (4) knowingly made a false statement on his application.

B. The board shall develop, adopt and promulgate administrative procedures for suspension or revocation of a telecommunicator's certification that include:

- (1) notice and opportunity for the affected telecommunicator to be heard; and
- (2) procedures for review of the board's decision.