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AN ACT

RELATING TO SCHOOL SAFETY; REQUIRING TRAINING FOR ARMED  
PUBLIC SCHOOL SECURITY PERSONNEL; PROHIBITING CERTAIN PERSONS  
FROM EMPLOYMENT AS ARMED PUBLIC SCHOOL PERSONNEL; PROVIDING  
THAT ONLY A LOCAL SCHOOL BOARD OR A GOVERNING BODY OF A  
CHARTER SCHOOL MAY AUTHORIZE SCHOOL SECURITY PERSONNEL TO  
CARRY A FIREARM ON SCHOOL PREMISES.

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

SECTION 1. A new section of Chapter 22, Article 5 NMSA  
1978 is enacted to read:

"LOCAL SCHOOL BOARD AUTHORITY OVER WHO MAY CARRY A  
FIREARM ON SCHOOL PREMISES.--Only a local school board has  
the authority to authorize school security personnel to carry  
a firearm on any public school premises or other school  
district property. The decision shall be made in an open  
meeting and shall be formalized as a policy of the board."

SECTION 2. A new section of the Charter Schools Act is  
enacted to read:

"GOVERNING BODY AUTHORITY OVER WHO MAY CARRY A FIREARM  
ON CHARTER SCHOOL PROPERTY.--Only the governing body has the  
authority to authorize school security personnel to carry a  
firearm on any charter school premises or other charter  
school property. The decision shall be made in an open  
meeting and shall be formalized as a policy of the governing

1 body."

2 SECTION 3. A new section of the Public School Code is  
3 enacted to read:

4 "SCHOOL SECURITY PERSONNEL--DEFINITIONS--REQUIRED  
5 TRAINING.--

6 A. As used in this section:

7 (1) "firearm" means a handgun recommended by  
8 the department of public safety and authorized by the public  
9 school insurance authority;

10 (2) "local school board" includes governing  
11 bodies of charter schools;

12 (3) "school district" includes charter  
13 schools;

14 (4) "school premises" means:

15 (a) the buildings and grounds,  
16 including playgrounds, playing fields and parking areas, and  
17 any school bus of a public school, whether owned by the  
18 school district or under contract, in or on which school or  
19 school-related activities are being conducted under the  
20 supervision of the local school board; or

21 (b) any other public buildings or  
22 grounds, including playing fields and parking areas that are  
23 not public school property, in or on which school-related and  
24 school-sanctioned activities are being performed; and

1 (5) "school security personnel" means  
2 retired or former certified and commissioned law enforcement  
3 officers who are employed by a school district and authorized  
4 by department rules and local school board policy to carry a  
5 firearm on school premises.

6 B. The department shall promulgate rules to carry  
7 out the purposes of this section.

8 C. The department shall promulgate rules  
9 pertaining to persons who are prohibited from employment as  
10 school security personnel, including:

11 (1) the applicability of Paragraph (1) or  
12 (3) of Subsection A of Section 28-2-4 NMSA 1978 for criminal  
13 offenders;

14 (2) the commitment of a felony; a  
15 misdemeanor involving moral turpitude that has bearing on the  
16 job of school security personnel; formal discipline for the  
17 use of excessive force; or misconduct or crimes that include  
18 inappropriate touching, sexual harassment, sexual assault,  
19 sexual abuse, discrimination, behavior intended to induce a  
20 child into engaging in illegal, immoral or other prohibited  
21 behavior, crimes against children and dependents or sexual  
22 exploitation of children; and

23 (3) negligent or illegal use of a firearm.

24 D. Prior to an offer of employment, the school  
25 district shall require for each potential school security

1 personnel:

2 (1) proof that the retired or former law  
3 enforcement officer was certified and commissioned for no  
4 less than three years and left law enforcement in good  
5 standing;

6 (2) successful completion of school security  
7 personnel training;

8 (3) proof of up-to-date firearms training;

9 (4) a background check that indicates the  
10 person has not been convicted of a crime or engaged in  
11 behavior that violates the School Personnel Act; and

12 (5) any other conditions required by law,  
13 department rule or school district policy.

14 E. School security personnel shall not perform any  
15 other job in the school district, by title or duty, other  
16 than school security while carrying a firearm.

17 F. Prior to school security personnel being  
18 allowed to carry firearms authorized by department rules and  
19 local school board policy, the school security personnel must  
20 successfully pass a physical and psychological evaluation as  
21 prescribed by the department in consultation with the public  
22 school insurance authority to determine suitability to carry  
23 a firearm. The school district shall pay the cost of the  
24 physical and psychological evaluations for current and  
25 potential school security personnel.

1           G. The department and the public school insurance  
2 authority shall approve one or more school security personnel  
3 and firearms training programs. Approved programs must  
4 include working with students with special needs, cultural  
5 competency and prohibited profiling practices. The  
6 department of public safety shall make recommendations for  
7 firearms training."

8           **SECTION 4. CONSTRUCTION.**--Nothing in this 2019 act  
9 shall be construed as:

10           A. allowing an armed school security personnel to  
11 carry firearms on school premises if doing so would be a  
12 violation of state or federal law; or

13           B. applying to school resource officers.

14           **SECTION 5. EFFECTIVE DATE.**--The effective date of the  
15 provisions of this act is July 1, 2020. \_\_\_\_\_

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