

NOTICE OF EMERGENCY RULEMAKING

Public Notice. The New Mexico Department of Public Safety [“DPS”] gives notice that on May 5, 2022, it adopted 10.2.4 NMAC LAW ENFORCEMENT RETENTION FUND REPORTING, MONITORING AND ADMINISTRATION, as an emergency rule. DPS finds that the adoption of 10.2.4 NMAC as an emergency rule is justified because the time required to comply with the non-emergency rulemaking procedures of the State Rules Act would cause the unanticipated loss of funding for an agency program, in accordance with, Section 14-4-5.6 NMSA 1978. Law enforcement agencies throughout the state who wish to provide the statutorily provided retention differential disbursements to their eligible officers in the upcoming fiscal year only have until June 1 in which to submit the required data to DPS. Without the guidance of the emergency rule these agencies may not be able to comply with the statutory requirements in time to obtain this funding.

Rule Information. The purpose of the emergency rule is to develop rules, forms, standards and procedures for law enforcement agencies to report law enforcement officer retention information to DPS to enable DPS to disburse to reporting agencies monies from the Law Enforcement Retention Fund to provide eligible officers retention differential disbursements in the 2022-2023 fiscal year. HB 68, passed in the 2022 Regular Session, goes into effect on May 19, 2022. The statute has a June 1 deadline for law enforcement agencies to submit statutorily required information in order to receive a disbursement from the Law Enforcement Retention Fund for retention differential disbursements for law enforcement officers completing five, ten, fifteen and twenty years, in the upcoming fiscal year, to submit the required information to DPS. The emergency rule advises the law enforcement agencies what information needs to be submitted and how. Without the rule, law enforcement agencies throughout New Mexico may miss the opportunity to fund retention differential disbursements from the LERF in the upcoming fiscal year.

Copies of the Rule. Copies of the emergency rule may be obtained at all DPS district, field, ports of entry, and regional offices, at the DPS website, <https://www.dps.nm.gov/index.php/public-information/law-enforcement-retention-fund> on the sunshine portal, or by contacting Jason Greenlee, Chief Legal Counsel, at 505.467.9629 or jason.greenlee@state.nm.us

Statutory Authorization. The statutory authorization for this rulemaking is set forth in NMSA Section 9-19-6 E., 14-4-5.6 and Section 36 of HB 68 passed in the 2022 Regular Session.

Temporary rule. The emergency rule is a temporary rule which will expire within one hundred and eighty days of its effective date.

Summary of the rule. The rule defines key terms left undefined by the statute. The rule provides important clarifying information on how to calculate the five percent retention differential disbursement and when to disburse it. The rule provides information to the law enforcement agency on when and how to report to DPS information required by the statute and the rule.