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AN ACT

RELATING TO PUBLIC EMPLOYEES; AMENDING THE HAZARDOUS DUTY OFFICERS' EMPLOYER-EMPLOYEE RELATIONS ACT TO CLARIFY THAT THE COMPELLED STATEMENT OF AN OFFICER SHALL NOT BE RELEASED EXCEPT UPON COURT ORDER.

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

SECTION 1. Section 10-7F-1 NMSA 1978 (being Laws 2010, Chapter 62, Section 1) is amended to read:

"10-7F-1. SHORT TITLE.--Chapter 10, Article 7F NMSA 1978 may be cited as the "Hazardous Duty Officers' Employer-Employee Relations Act"."

SECTION 2. Section 10-7F-2 NMSA 1978 (being Laws 2010, Chapter 62, Section 2) is amended to read:

"10-7F-2. DEFINITIONS.--As used in the Hazardous Duty Officers' Employer-Employee Relations Act:

A. "compelled statement" means a statement provided by an officer to the officer's employer if the statement is compelled under threat of dismissal from employment or any other employment sanction;

B. "emergency medical technician" means an individual who has been licensed by the department of health as an emergency medical technician;

C. "firefighter" means an individual who is employed as a non-volunteer firefighter and who has taken the

1 oath prescribed for firefighters;

2 D. "hazardous duty officer" or "officer" means an
3 individual who is employed full time by the state or a
4 political subdivision of the state as a firefighter,
5 emergency medical technician or paramedic, provided that
6 "hazardous duty officer" does not include an individual who
7 has not completed the probationary period established by the
8 individual's employer as a condition of employment; and

9 E. "paramedic" means an individual who has been
10 licensed by the department of health as a paramedic."

11 SECTION 3. Section 10-7F-3 NMSA 1978 (being Laws 2010,
12 Chapter 62, Section 3) is amended to read:

13 "10-7F-3. INVESTIGATIONS OF HAZARDOUS DUTY OFFICERS--
14 REQUIREMENTS--LIMITATION.--

15 A. When a hazardous duty officer is under
16 investigation by the officer's employer for alleged actions
17 that could result in administrative sanctions being levied
18 against the officer, any investigative interview of the
19 officer shall be conducted only:

20 (1) upon the order of the officer's
21 department director or the department director's designee;

22 (2) when the officer is on duty or during
23 the officer's normal waking hours, unless the urgency of the
24 investigation requires otherwise; and

25 (3) at the employer's facility, unless the

1 urgency of the investigation requires otherwise.

2 B. Prior to commencement of an investigative
3 interview:

4 (1) the officer shall be informed of the
5 name and rank of the person in charge of the investigative
6 interview and all other persons who will be present during
7 the investigative interview;

8 (2) the officer shall be informed of the
9 nature of the investigation, and the names of all known
10 complainants shall be disclosed to the officer unless the
11 chief administrator of the officer's employer determines that
12 the identification of the complainant shall not be disclosed
13 because it is necessary for the protection of an informant or
14 because disclosure would jeopardize or compromise the
15 integrity or security of the investigation; and

16 (3) a reasonable attempt shall be made to
17 notify the officer's immediate superior of the pending
18 investigative interview.

19 C. During an investigative interview, the
20 following requirements shall be adhered to:

21 (1) at the commencement of the investigative
22 interview, the officer shall be advised of all legal rights
23 that the officer has with respect to the investigative
24 interview;

25 (2) each investigative interview session

1 shall not exceed two hours unless the parties mutually
2 consent to continuation of the session;

3 (3) there shall not be more than one
4 investigative interview session within a twenty-four-hour
5 period, unless the parties mutually consent to additional
6 sessions, provided that there shall be at least a one-hour
7 rest period between the sessions;

8 (4) there shall not be more than two
9 investigators at any given time;

10 (5) the officer shall be allowed to attend
11 to physical necessities as they occur in the course of an
12 investigative interview; and

13 (6) the officer shall not be subjected to
14 offensive language or illegal coercion by an investigator in
15 the course of an investigative interview.

16 D. An investigative interview of an officer shall
17 be recorded, and the complete investigative interview shall
18 be published as a transcript; provided that any recesses
19 called during the investigative interview shall be noted in
20 the transcript. An accurate copy of the transcript or tape
21 shall be provided to the officer, upon written request, no
22 later than fifteen working days after the investigation has
23 been completed.

24 E. The compelled statement of an officer shall not
25 be released by the employer except upon court order."_____