

COVID19 Public Health Order Frequently Asked Law Enforcement Questions

1. Who will enforce the Public Health Order and how will this enforcement occur?

Answer: State Police will be on the lookout for non-compliance during normal patrols. We, in conjunction with local law enforcement, will also respond to complaints of non-compliance received from the public. We remind the public to understand the importance of the situation, think of the health and wellbeing of their friends, families, co-workers and employees and voluntarily comply with this order.

2. What is the process New Mexico State Police is taking to investigate non-compliance complaints?

Answer: New Mexico State Police understands that businesses are struggling right now. We sincerely hope that all New Mexico businesses make it through these rough times. We are dedicated to using as much discretion as possible when it comes to the enforcement of the Public Health Emergency Order. We very much hope that businesses comply with the order because it's the right thing to do during these times. We don't want to have to take any formal enforcement action on anyone because we understand businesses are struggling to get through this. However, should a business repeatedly ignore our attempts to gain voluntary compliance we'll be forced to take formal action. Here is how we are handling calls of non-compliance:

- 1st Report: officer will call the business and speak with the owner or manager to educate them on the guidelines on the order
- 2nd Report: officer will make face to face contact with business and speak directly with the owner or manager and educate them on the guidelines of the order
- 3rd or subsequence offense: enforcement action may be taken on the business

3. What criminal penalties can people face?

Answer: Violations of the Public Health Emergency Order are a petty misdemeanor offense and result in a fine of up to \$100, up to six months imprisonment, or both.

4. What civil penalties can people face for violation of the Public Health Emergency Order?

Answer: The Public Health Emergency Order stipulates that violations of the order may result in civil penalties of up to \$5,000 for each violation.

5. Has anyone been found in violation and penalized for the Public Health Emergency Order?

Answer: State Police is working to educate businesses and individuals about the Public Health Emergency Order. No citations have been issued. We encourage New Mexicans to do their part in order to protect public health.

6. Will law enforcement pull me over to ensure I am an essential worker and on essential travel?

Answer: This is FALSE. The New Mexico State Police is not making traffic stops to ensure the public or their travel is considered essential. New Mexicans can leave their house while following the guidelines of the Emergency Public Health Order. The order prohibits mass gatherings and says that groups can be no larger than five (5) people and you must maintain a six (6) foot distance between others.

7. What do citizens do if they were stopped for this reason?

Answer: If you were stopped for this reason you should contact State Police immediately.

8. How do I report a violation of the Public Health Emergency Order?

Answer: If you wish to report non-compliance within a business, a violation of the mass gatherings ban, or other violations of the Public Health Emergency Order, you may report them to NMSP.COVID19@state.nm.us or contact your local police or sheriff's department on their non-emergency phonelines. When submitting a non-compliance complaint, please provide the following: date and time of observed violation, city, county, business name and business address.

9. Are highways in New Mexico open for travel?

Answer: Yes. There are currently no restrictions to travel on highways

10. Are New Mexico borders closed to surrounding states?

Answer: No, there are currently no restrictions traveling in and out of the State of New Mexico.

11. Can I leave my house?

Answer: Yes, you may leave your house. The Stay at Home Instruction is not an order and is not enforceable. What is enforceable is the non-essential business closure and the mass gatherings ban (and other provisions of the order). However when you leave your house, you must maintain a distance of at least 6 feet with those outside of your family unit.

12. Where can I get more information?

For non-health-related questions or concerns you may also call 833-551-0518 or visit newmexico.gov, which is being updated as a one-stop source for information