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SENATE BILL 93

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING A SECTION OF THE  
INSPECTION OF PUBLIC RECORDS ACT TO PROVIDE EXCEPTIONS TO  
PUBLIC INSPECTION OF APPLICANTS FOR EMPLOYMENT.

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

**SECTION 1.** Section 14-2-1 NMSA 1978 (being Laws 1947,  
Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

A. Every person has a right to inspect public  
records of this state except:

(1) records pertaining to physical or mental  
examinations and medical treatment of persons confined to an  
institution;

(2) letters of reference concerning  
employment, licensing or permits;

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1 (3) letters or memoranda that are matters of  
2 opinion in personnel files or students' cumulative files;

3 (4) law enforcement records that reveal  
4 confidential sources, methods, information or individuals  
5 accused but not charged with a crime. Law enforcement records  
6 include evidence in any form received or compiled in connection  
7 with a criminal investigation or prosecution by a law  
8 enforcement or prosecuting agency, including inactive matters  
9 or closed investigations to the extent that they contain the  
10 information listed in this paragraph;

11 (5) as provided by the Confidential Materials  
12 Act;

13 (6) trade secrets, attorney-client privileged  
14 information and long-range or strategic business plans of  
15 public hospitals discussed in a properly closed meeting;

16 (7) tactical response plans or procedures  
17 prepared for or by the state or a political subdivision of the  
18 state, the publication of which could reveal specific  
19 vulnerabilities, risk assessments or tactical emergency  
20 security procedures that could be used to facilitate the  
21 planning or execution of a terrorist attack;

22 (8) records that would reveal the identity of  
23 an applicant for public employment in this state; provided that  
24 the name and resume of the finalist for the head of any agency,  
25 state institution or political subdivision of the state shall

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1 be made available prominently on the entity's website no fewer  
2 than seven days prior to the final decision to hire the  
3 individual; and

4 [~~(8)~~] (9) as otherwise provided by law.

5 B. Protected personal identifier information  
6 contained in public records may be redacted by a public body  
7 before inspection or copying of a record. The presence of  
8 protected personal identifier information on a record does not  
9 exempt the record from inspection. Unredacted records that  
10 contain protected personal identifier information shall not be  
11 made available on publicly accessible ~~[web sites]~~ websites  
12 operated by or managed on behalf of a public body."