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SENATE BILL 149

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

INTRODUCED BY

Jacob R. Candelaria

AN ACT

RELATING TO PUBLIC RECORDS; PROTECTING THE CONFIDENTIALITY OF
VICTIMS OF AND WITNESSES TO CERTAIN CRIMES.

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;

(3) letters or memoranda that are matters of

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1 opinion in personnel files or students' cumulative files;

2 (4) law enforcement records that reveal
3 confidential sources, methods, information or individuals who
4 are:

5 (a) accused but not charged with a
6 crime; or

7 (b) victims of or witnesses to an
8 alleged crime of: 1) aggravated assault pursuant to Section
9 30-3-2 NMSA 1978; 2) assault with intent to commit a violent
10 felony pursuant to Section 30-3-3 NMSA 1978; 3) assault against
11 a household member with intent to commit a violent felony
12 pursuant to Section 30-3-14 NMSA 1978; 4) harassment pursuant
13 to Section 30-3A-2 NMSA 1978; 5) stalking pursuant to Section
14 30-3A-3 NMSA 1978; 6) aggravated stalking pursuant to Section
15 30-3A-3.1 NMSA 1978; 7) criminal sexual penetration pursuant to
16 Section 30-9-11 NMSA 1978; or 8) criminal sexual contact
17 pursuant to Section 30-9-12 NMSA 1978.

18 Law enforcement records include evidence in any form
19 received or compiled in connection with a criminal
20 investigation or prosecution by a law enforcement or
21 prosecuting agency, including inactive matters or closed
22 investigations to the extent that they contain the information
23 listed in this paragraph;

24 (5) as provided by the Confidential Materials
25 Act;

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

4 (7) tactical response plans or procedures
5 prepared for or by the state or a political subdivision of the
6 state, the publication of which could reveal specific
7 vulnerabilities, risk assessments or tactical emergency
8 security procedures that could be used to facilitate the
9 planning or execution of a terrorist attack; and

10 (8) as otherwise provided by law.

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

19 SECTION 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2017.