

SENATE FLOOR SUBSTITUTE FOR  
SENATE BILL 149

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

AN ACT

RELATING TO PUBLIC RECORDS; PROTECTING THE CONFIDENTIALITY OF  
CERTAIN 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)~~] A. records pertaining to physical or mental  
examinations and medical treatment of persons confined to an  
institution;

[~~(2)~~] B. letters of reference concerning  
employment, licensing or permits;

[~~(3)~~] C. letters or memoranda that are matters of

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underscored material = new  
[bracketed material] = delete

1 opinion in personnel files or students' cumulative files;  
2 ~~[(4)]~~ D. portions of law enforcement records that  
3 reveal:

4 (1) confidential sources, methods or  
5 information; or

6 (2) individuals who are:

7 (a) accused but not charged with a  
8 crime; or

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

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

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1 presence of such information on a law enforcement record does  
 2 not exempt the record from inspection;

3           ~~[(5)]~~ E. as provided by the Confidential Materials  
 4 Act;

5           ~~[(6)]~~ F. trade secrets, attorney-client privileged  
 6 information and long-range or strategic business plans of  
 7 public hospitals discussed in a properly closed meeting;

8           ~~[(7)]~~ G. tactical response plans or procedures  
 9 prepared for or by the state or a political subdivision of the  
 10 state, the publication of which could reveal specific  
 11 vulnerabilities, risk assessments or tactical emergency  
 12 security procedures that could be used to facilitate the  
 13 planning or execution of a terrorist attack; and

14           ~~[(8)]~~ H. as otherwise provided by federal law,  
 15           ~~[B.—Protected personal identifier information~~  
 16 ~~contained in public records may be redacted by a public body~~  
 17 ~~before inspection or copying of a record. The presence of~~  
 18 ~~protected personal identifier information on a record does not~~  
 19 ~~exempt the record from inspection. Unredacted records that~~  
 20 ~~contain protected personal identifier information shall not be~~  
 21 ~~made available on publicly accessible web sites operated by or~~  
 22 ~~managed on behalf of a public body] the constitution of New~~  
 23 Mexico, statute or court rule."

24           SECTION 2. A new section of the Inspection of Public  
 25 Records Act, Section 14-2-1.1 NMSA 1978, is enacted to read:

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