

SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 225

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
MAKING AVAILABLE GLOBAL POSITIONING SYSTEM DATA ON DEFENDANTS
ON PRETRIAL RELEASE; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of Chapter 31, Article 3 NMSA
1978 is enacted to read:

"~~[NEW MATERIAL]~~ AVAILABILITY OF GLOBAL POSITIONING SYSTEM
DATA ON DEFENDANTS ON PRETRIAL RELEASE.--Any public entity that
possesses global positioning system data with respect to a
defendant on pretrial release shall make that data available to
a law enforcement officer upon the law enforcement officer's
request made in connection with a criminal investigation. The
law enforcement officer may request immediate access to the
data if it involves an investigation of:

.222635.1

underscoring material = new
[bracketed material] = delete

1 A. any of the following serious violent
2 felony offenses:

- 3 (1) murder in the first degree;
4 (2) first or second degree felony human
5 trafficking of a child;
6 (3) first degree felony abuse of a child;
7 (4) sexual exploitation of a child
8 constituting at least a second degree felony; or
9 (5) a serious violent felony offense as
10 provided in Subparagraphs (a) through (n) of Paragraph (4) of
11 Subsection L of Section 33-2-34 NMSA 1978;

12 B. a felony offense during which a firearm
13 was brandished pursuant to Section 31-18-16 NMSA 1978 or during
14 which a firearm was discharged; or

15 C. a felony offense during which great bodily
16 harm was inflicted as defined in Section 30-1-12 NMSA 1978 or
17 that caused the death of a person."

18 SECTION 2. EMERGENCY.--It is necessary for the public
19 peace, health and safety that this act take effect immediately.