

1 SENATE BILL 496

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 David M. Gallegos and Linda M. Lopez

5
6
7
8
9
10 AN ACT

11 RELATING TO PUBLIC SAFETY; CREATING A CRIME FOR UNAUTHORIZED
12 DISSEMINATION OF A PUBLIC OFFICIAL'S PRIVATE INFORMATION;
13 PROVIDING CIVIL AND CRIMINAL PENALTIES; PROVIDING A PRIVATE
14 RIGHT OF ACTION.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new Section 30-12-15 NMSA 1978 is enacted to
18 read:

19 "30-12-15. [NEW MATERIAL] UNAUTHORIZED DISSEMINATION OF
20 PERSONALLY IDENTIFIABLE INFORMATION--CIVIL AND CRIMINAL
21 PENALTIES--RIGHT OF ACTION--EXCEPTIONS.--

22 A. No person shall knowingly make available the
23 home address or telephone number of a public official or a
24 public official's spouse or child either with the intent to
25 cause harassment or harm to life or property or with reckless

.223864.2

underscored material = new
[bracketed material] = delete

1 disregard for any harassment or harm to life or property
2 caused.

3 B. Whoever violates Subsection A of this section is
4 guilty of a fourth degree felony and upon conviction shall be
5 sentenced in accordance with the provisions of Section 31-18-15
6 NMSA 1978.

7 C. No person, business or association shall
8 solicit, sell or trade on the internet the home address or
9 telephone number of a public official or a public official's
10 spouse or child if that public official has made a written
11 demand on the person, business or association to not disclose
12 the public official's home address or telephone number.

13 D. A public official whose home address or
14 telephone number has been solicited, sold or traded in
15 violation of Subsection C of this section shall:

16 (1) have a civil cause of action against the
17 person, business or association that solicited, sold or traded
18 the public official's information; and

19 (2) be entitled to recover from that person,
20 business or association damages in an amount up to a maximum of
21 three times the actual damages but in no case less than four
22 thousand dollars (\$4,000); punitive damages; and reasonable
23 attorney fees and other litigation costs reasonably incurred.

24 E. Nothing in this section shall be construed to
25 impose liability on:

.223864.2

1 (1) an interactive computer service or access
2 software provider, as defined in 47 U.S.C. Section 230(f), or
3 an information service or a telecommunications provider for
4 content provided by another person; or

5 (2) a person who reproduces, distributes,
6 exhibits, publishes, transmits or otherwise disseminates
7 content in furtherance of a legitimate public purpose,
8 including the compilation or dissemination of news by
9 newspapers and licensed broadcasters.

10 F. As used in this section, "public official"
11 includes a person who is or was:

12 (1) elected or appointed to an office of the
13 executive or legislative branch of the state or an office of a
14 local public body;

15 (2) elected or appointed to a federal office
16 within the state;

17 (3) elected or appointed to an office of any
18 post-secondary educational institution;

19 (4) appointed to an advisory board by any
20 state agency, local public body or public post-secondary
21 institution;

22 (5) a full-time salaried public employee of a
23 federal, state or local law enforcement agency, or a certified
24 part-time salaried police officer employed by a federal, state
25 or local law enforcement agency, whose principal duties under

.223864.2

underscored material = new
~~[bracketed material] = delete~~

1 law are to hold in custody any person accused of a criminal
2 offense, maintain public order, make arrests for crimes or
3 investigate crimes;

4 (6) a public defender or attorney contracted
5 by the public defender department;

6 (7) a prosecutor; and

7 (8) retired from any of the offices or
8 positions described in Paragraphs (1) through (7) of this
9 subsection."