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AN ACT

RELATING TO CRIMINAL RECORD EXPUNGEMENT; APPLYING AUTOMATIC
EXPUNGEMENT TO RECORDS INVOLVING ONLY CANNABIS.

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

SECTION 1. Section 29-3A-8 NMSA 1978 (being Laws 2021
(1st S.S.), Chapter 3, Section 5) is amended to read:

"29-3A-8. EXPUNGEMENT OF ARREST AND CONVICTION
RECORDS--PROCEDURE.--

A. If a person was charged with an offense
involving cannabis that is no longer a crime on June 29, 2021
or that would have resulted in a lesser offense if the
Cannabis Regulation Act had been in effect at the time of the
offense, whether or not the person is convicted, all public
records held by a court or an agency of the state or a local
jurisdiction that relate to the person's arrest or conviction
shall be automatically expunged two years after the date of
the person's conviction or the date of the person's arrest if
there was no conviction. If the person is or was under
eighteen years of age at the time of the arrest or
conviction, the public records under this section shall be
retained for two years or until the person is eighteen years
of age, whichever comes first, and shall then be
automatically expunged. Automatic expungement under this
section applies to public records involving only cannabis and

1 cannabis paraphernalia charges and requires destruction of
2 the records.

3 B. The administrative office of the courts shall
4 implement a procedure allowing persons charged with offenses
5 eligible for automatic expungement under this section to
6 verify whether automatic expungement has occurred and request
7 expedited automatic expungement if eligible charges have not
8 yet been expunged.

9 C. If an arrest or conviction involved cannabis
10 and non-cannabis charges, a person may request expungement of
11 eligible cannabis charges as defined in Subsection A of this
12 section by the administrative office of the courts through
13 the procedure implemented in Subsection B of this section.

14 D. Requests for expungement to the administrative
15 office of the courts from persons charged with offenses
16 eligible for automatic expungement shall remain confidential
17 and are not subject to disclosure." _____

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