

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/17/2025

Check all that apply:

Bill Number: HB 98

Original Correction
Amendment Substitute

Sponsor: Rep. Janelle Anyanonu

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: AUTOMATIC EXPUNGEMENT OF EVICTION RECORDS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| | | | |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| | | | | |
| | | | | |

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|----------------------|---------------------------------|------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

This bill would add a new section to the statute regulating residential landlord/tenant agreements (The Uniform Owner-Resident Relations Act, NMSA §§ 47-8-1 through 47-8-51) to automatically expunge residential tenant evictions after five years. Specifically, it would require courts and all other state agencies to destroy any records related to a residential tenant’s eviction five years after the eviction occurred. It also requires the Administrative Office of the Courts to implement a process for tenants to check whether the automatic expungement was completed and request it if it was not done automatically.

FISCAL IMPLICATIONS

Minimal cost of identifying and destroying any records required to be expunged under the Act.

SIGNIFICANT ISSUES

None identified. Public records expunged under this bill would fall within the “otherwise provided by law” exemption in the Inspection of Public Records Act, NMSA 1978 Section 14-2-1 (L)(“IPRA”), so the proposed law does not appear to conflict with IPRA.

PERFORMANCE IMPLICATIONS

Since the law would apply to all state agencies, NMDOJ would likely need to create a policy and procedures to identify and destroy any records held by NMDOJ required to be expunged.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A