

LFC Requester:

Scott Sanchez

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: 2/25/25

Check all that apply:

Bill Number: HB 283

Original Correction
Amendment Substitute

Sponsor: Rep. Christine Chandler and
Sen. Linda M. Trujillo

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

Short Title: Law Enforcement Records
Changes

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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:

Original: Section 1: Amends Section 14-2-1.2 to prohibit law enforcement records from being used to solicit victims or families of victims of reported crime or accidents. Also requires that requestors certify in writing in their written request that they will not use law enforcement records to solicit.

Section 2: Amends Section 14-2-6 to create additional definition of “commercial purpose” for any user who profits from the use of the public records they obtain. The commercial purpose definition explicitly excludes media or news, and litigation of cases.

Section 3: Amends Section 14-2-8 procedure for requesting records to require that the written request for records include a certification that the records shall not be used for soliciting victims or relatives of reported crimes or accidents, confirming or denying whether the records will be used for a commercial purpose, and an acknowledgment that a fee may be charged if the records are intended to be used for a commercial purpose. If this certification is not included, then the request is to be considered incomplete by the public body.

Section 4: Amends Section 14-2-9 so that a public body may charge a fee for records intended to be used for a commercial purpose as set out in Section 5. Section 4 also states that the public body may waive any fee.

Section 5: (new section) Requestors for commercial purpose must certify in their written request that they intend to use the records for commercial purpose, that the public body may charge them a fee, and that the fee is up to \$30.00/hour after the initial hour for reviewing and preparing the public record. The public body must provide an estimate and an explanation of the fee to the requestor, and the requestor must confirm that they want to proceed in writing before the public body has to process the IPRA request. The public body can require advance payment of the estimated fee and must provide a receipt to the requestor upon request.

Section 6: Amends Section 14-2-11 to clarify the 15-day deadlines are all calendar days. Creates a requirement that requestors provide written notice of the claimed violation and gives the public body 15 days to respond and 15 days afterward to remedy. Only after the two 15-day periods is the public body subject to enforcement. Any fees and costs would

accrue from 15 days after the public body received the written notice of the violation.

Section 7: Amends Section 14-2-12 to limit enforcement to after the public body has received written notice of a claimed violation of IPRA and failed to respond within 15 days and limit the statute of limitations to 2 years from the date the written notice of violation in Section 6 is received by the public body. It also prevents damages from being assessed for any time prior to the written notice of claimed violation.

Section 8: (new section) Temporary provision for IPRA Task Force – creates an inspection of public records task force chaired by the attorney general or his designee and consisting of ten other representatives from 7/1/25 through 1/1/26 who will make recommendations for alternative enforcement options of claimed violations or misuse of IPRA, use of ombuds, and standardization of the IPRA process. The task force shall report its findings by 12/15/25.

Amendment as of Feb. 25, 2025: Section 2 adds “online media outlet” to the definition of a social media account that disseminates news and information to the general public.

Section 6 removes the second fifteen-calendar-day period to remedy the violation and instead states that the public body has fifteen calendar days to respond. After the fifteen-calendar-day period has elapsed, the public body shall be subject to enforcement, clarifying that the response period to respond and remedy is fifteen calendar days, not thirty. Section 6 also modifies the damages to accrue from the date the public body receives notice of the claimed violation, not fifteen calendar days after they receive notice.

FISCAL IMPLICATIONS

N/A.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 139 proposes to repeal sections 14-2-1 through 14-2-1.2 and 14-2-6 through 14-2-12 of the current IPRA statute.

HB 497 proposes to significantly amend sections 14-2-8 and 14-2-12 of the current IPRA statute.

Should HB 139 or HB 497 pass, this bill would be in conflict.

TECHNICAL ISSUES

Specifying that the 15-day periods referenced throughout are “calendar” days introduces unnecessary confusion. The Uniform Statute and Rule Construction Act at Section 12-2A-7

establishes the methodology for the computation of time. Under that Act, periods of time expressed in days are routinely computed. Adding the term “calendar” does not provide additional clarity. Instead, it raises a question about whether HB239 requires a different method of counting “calendar days” than what is established in the Uniform Statute and Rule Construction Act.

OTHER SUBSTANTIVE ISSUES

N/A.

ALTERNATIVES

There is proposed legislation HB 139 and HB 497.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A.