

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: 1/24/2025

Check all that apply:

Bill Number: SB 67

Original Correction
Amendment Substitute

Sponsor: Sen. Craig W. Brandt

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

Person Writing

Short Title: Use of Phone Location for 911 Calls

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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:

SB 67 seeks to amend the existing “Enhanced 911 Act” located at Sections 63-9D-1 through 63-9D-11.1 NMSA 1978. It should be noted that another pending bill, SB 137, seeks to rename the “Enhanced 911 Act” as the “911 Act.”

The principal purpose of SB 67 is to add a new section to the Act to require wireless service providers and internet service providers to provide upon request “location information” relative to a 911 service communication for the purpose of responding to a 911 communication or an emergency situation that involves the risk of death or serious physical harm. *See* SB 67, Section 2. The bill would also protect the provider from claims for relief if they provide such information in good faith under the section. A Subsection is added to provide for the method by which the related entities shall comply with the statute.

SB 67 also seeks to replace the defined term “911 call” with the term “911 service communication” throughout, and slightly amends the meaning of the new term as defined in Section 63-9D-3(A) NMSA 1978. *See* SB 67, Section 1 and Section 3.

Finally, SB 67 seeks to amend Section 63-9D-11(A) NMSA 1978 by expanding the waiver of privacy afforded by nonlisted and nonpublished numbers to include the “location information” required to be disclosed by SB 67. *See* SB 67, Section 4.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The term “location information” could be defined more clearly and consistently, perhaps as a new subsection in Section 63-9D-3 NMSA 1978. SB 67 variously uses the terms “user location,” “communication location,” and “device [location]”. For example, in Section 2 new subsection A provides that “an internet service or wireless service provider shall provide “location information” to the agency for a device used to send a 911 service communication.” However, subsections (B), (C), and (D) reference “communication location information.”

Without additional definitions, it is unclear whether SB 67 requires disclosure only of information regarding the location of a device during the time a 911 service communication is underway or if information regarding the location of a device after termination of a 911 service communication must also be disclosed.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Another pending bill, SB 137, seeks to rename the “Enhanced 911 Act” as the “911 Act.”

TECHNICAL ISSUES

1. The preamble to SB 67 in stating a purpose of “requiring the department of public safety to collect contact information from internet service providers and wireless service providers and disseminate that information *to internet service and wireless service providers.*” (Italics added.) appears to state a different purpose than as provided in new subsection (D) that “The department of public safety shall obtain contact information from all internet service and wireless service providers ... [and t]he department of public safety shall disseminate the contact information *to each law enforcement agency and public safety answering point in this state.*” (Italics added.)
2. The phrase “to the agency” in the first sentence of new subsection (A) injects uncertainty as to whom a response must be given by an internet service or wireless service provider.
3. New subsection (A) in SB 67, Section 2, provides that location information is to be provided “upon request” without specifying how much time an internet service or wireless service provider may take to provide the requested information.
4. The language used in Section 4 of SB 67 to describe the waiver of privacy differs from the language used in Section 2 of SB 67 to describe the location information that an internet service or wireless service provider must provide. For example, Section 4 includes a reference to “an emergency responder” that is not used in Section 2.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. The Act would continue to apply to “calls” and not other communications including internet service communications, and would continue to preclude the dissemination critical

information in emergency situations.

AMENDMENTS

N/A