

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)**

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original Amendment
Correction Substitute

Date January 23, 2025

Bill Number: SB 67

Sponsor: Craig W. Brandt;
Short
Title: _____

Agency Name
and Code DFA-341
Number: _____

Person Writing Sabrina Varela
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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 Expenditure 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: Relates to the Electronic Communications Privacy Act Sections 10-16F-2 and 10-16F-6 NMSA 1978 not the Enhanced 911 Act Section 63-9D-3 NMSA 1978

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 67 (SB 67) proposes to amend Sections 63-9D, the Enhanced 911 Act, so that internet and wireless service providers supply real-time location information upon request by law enforcement agencies for devices used in 911 communications. The bill proposes several significant changes to Sections 63-9D, the Enhanced 911 Act. It introduces new material requiring internet and wireless service providers to supply location information for devices used to send 911 service communications upon request by law enforcement or a public safety answering point (PSAP). This provision applies when responding to 911 calls for service or emergencies involving the risk of death or serious physical harm. Additionally, the bill permits service providers to establish protocols for voluntarily disclosing location information and provides liability protection for providers acting in good faith. It also requires the Department of Public Safety to obtain and disseminate contact information for service providers to facilitate requests for location data.

- Changes the definition of a 911 call to a 911 service communication and expands the definition to include an equivalent emergency phone number or through the use of an internet service; in addition to dialing 9-1-1.
- Allows for a law enforcement agency or a public safety answering point to request location information from an internet or wireless service provider for a 911 service communication or an emergency situation that involves the risk of death or serious physical harm.
- Extends the immunity clause within the 911 Act to include 911 service communications and a claim of relief shall not be brought in any court against an internet service or wireless service provider or another person for providing location information for a 911 service communication or an emergency situation that involves the risk of death or serious physical harm.

The effective date of the provisions of this act is July 1, 2025.

FISCAL IMPLICATIONS

No direct appropriations or revenue impacts are identified. However, operational responsibilities for the Department of Public Safety may increase due to the requirement to collect and disseminate provider contact information.

SIGNIFICANT ISSUES

The Electronic Communications Privacy Act, 10-16F NMSA 1978, already provides a comprehensive framework for emergency data access, privacy protections, and accountability mechanisms. Existing provisions under Section 10-16F-4 NMSA 1978 allow law enforcement to access electronic information, including location data, during emergencies with judicial oversight and transparency safeguards. SB 67 does not meaningfully expand upon these provisions. Additionally, the bill lacks explicit safeguards, such as warrant requirements and delayed notification orders, which are key components of Section 10-16F NMSA 1978. This absence raises concerns about privacy and accountability. Furthermore, the overlap between SB 67 and Sections 10-16F-1 to 10-16F-6 NMSA 1978 risk creating legal confusion and redundancy, potentially complicating implementation.

The bill introduces changes to definitions that are critical for incoming 911 calls. Replacing terms such as "call-taker" with "dispatcher" or introducing language related to dispatched calls without adding new definitions could create several conflicts. If the bill intends to address dispatched calls, new definitions should be introduced rather than replacing existing ones. Specifically, the change from "call" to "dispatch" center work stations within the definition of "enhanced 911 equipment" creates confusion as call handling and dispatch are two separate systems within a Public Safety Answering Point. The E-911 program does not currently provide funding for computer-aid dispatch systems.

SB 67 appears to address post-call information requests, which aligns more closely with the Electronic Communications Privacy Act, rather than enhancing the functionality of the Enhanced 911 Act, which governs incoming 911 calls to a Public Safety Answering Point (PSAP). This misalignment underscores the need for clearer intentions and alignment with existing statutes.

PERFORMANCE IMPLICATIONS

The bill could enhance emergency response; however, its impact is limited by redundancy with existing statutes and specific challenges related to cross-system emergency communication. For instance, situations involving calls made to other emergency systems like 988 or #DWI that are later transferred to a Primary Public Safety Answering Point (PSAP) or an agency whom dispatches law enforcement, may necessitate real-time location data to respond effectively to exigent circumstances. The strict requirements under Section 10-16F-3 of the Electronic Communications Privacy Act, such as warrant applications or post-disclosure procedures, can discourage timely responses during these critical scenarios. Education and training are needed to ensure law enforcement and public safety personnel understand how to navigate these requirements to maintain effective public safety responses while adhering to the legal framework.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety would need to establish and maintain protocols for collecting and disseminating provider contact information, adding to its administrative burden.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to the Electronic Communications Privacy Act Sections 10-16F-2 and 10-16F-6 NMSA 1978 not the Enhanced 911 Act Section 63-9D-1 NMSA 1978.

It is also unclear if SB 67 is intended to act in companionship with SB 18, which addresses swatting and the role of public safety agencies, including PSAPs, in handling false or malicious reports. While there is some alignment in addressing threats to public safety, further clarification on this bill's intentions would be beneficial.

Additionally, SB 137, which updates the Enhanced 911 Act by updating definitions due to technological advancements, increasing the surcharge, and removing the term 'Enhanced' from the entire act, introduces further complexities that could overlap with or complement the provisions of SB 67. These interactions and overlaps must be carefully evaluated to ensure consistency and alignment across the legislative framework.

TECHNICAL ISSUES

The FCC requires all originating service providers (OSP's), a company that allows customers to make 911 calls, to transmit location information to the correct Public Safety Answering Point. OSP's within the State of New Mexico are actively implementing Next Generation 911 location capabilities.

The bill lacks detailed procedures for judicial oversight and privacy safeguards, potentially conflicting with existing statutory requirements.

OTHER SUBSTANTIVE ISSUES

The absence of reporting and accountability mechanisms in SB 67 could reduce transparency compared to the standards set by the Electronic Communications Privacy Act Sections 10-16F-1 to 10-16F-6 NMSA 1978.

ALTERNATIVES

To avoid redundancy and legal conflicts, an alternative is to amend the Electronic Communications Privacy Act Sections 10-16F-1 to 10-16F-6 NMSA 1978 to address any identified gaps rather than introducing parallel legislation.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Law enforcement will continue to operate under the provisions of 10-16F, which already addresses emergency data access under exigent circumstances comprehensively.

AMENDMENTS