

LFC Requester:	Scott Sanchez
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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}

Date Prepared: 13FEB25 *Check all that apply:*
Bill Number: SB352 Original Correction
 Amendment Substitute

Sponsor: Senator Katy M. Duhigg **Agency Name and Code** 790 – Department of Public Safety
Short Title: Certain Photos as Confidential **Number:** _____
Person Writing Matthew Broom, Deputy Chief
Phone: 5757601485 **Email:** Matthew.broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	N/A

(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	NFI	NFI	NFI	NFI	NFI	N/A

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Provides that photographic images taken by a state, district or deputy medical investigator are confidential, are not public records, and shall not be accessible to the public other than for use or potential use in a civil or criminal proceeding.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

The language of this bill is consistent with NMSA 1978, Section 14-2-1.2(A)(3), which provides that law enforcement agencies do not have to produce visual depictions of a dead body pursuant to an Inspection of Public Records Act (IPRA) request, unless a law enforcement officer, acting in that capacity, caused or is reasonably alleged or suspected to have caused the death. The exception provided in NMSA 1978, Section 14-2-1.2(A)(3) should apply to all government officials acting within the performance of their duties.

Photographic images taken by state, district, or deputy medical investigators often depict sensitive and distressing scenes, such as autopsies, accident victims, or crime scenes. Making these images public could violate the dignity and privacy of the deceased, their families, and individuals involved. By maintaining their confidentiality, the bill ensures that these images are not exploited or sensationalized, preserving the dignity of those affected.

Photographic evidence is often part of an ongoing investigation, either criminal or civil. Public access to these images could compromise the investigation by impacting law enforcement's ability to fully act within the scope of their duties during the investigative process, influencing public opinion, contaminating juries, or even impacting the testimony of witnesses or experts. The bill helps safeguard the integrity of the investigation process by ensuring these images remain secure and only accessible when necessary for judicial proceedings.

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.