

HOUSE BILL 203

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO STATE GOVERNMENT; AMENDING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT ACT; REQUIRING THE USE OF STATE-ISSUED ELECTRONIC DEVICES WHEN PERFORMING DEPARTMENTAL DUTIES; REQUIRING THE BACKUP AND RETENTION OF ELECTRONIC RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Children, Youth and Families Department Act is enacted to read:

.228969.1AIC March 1, 2025 (8:10pm)

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"[NEW MATERIAL] ELECTRONIC RECORDS--RETENTION.--

A. Employees of the department shall only use electronic devices issued by the department to employees for communication related to the performance of duties within the scope of their employment by the department. An employee's failure to comply with the provisions of this subsection may constitute grounds for immediate termination of employment by the department.

B. Electronic devices issued by the department to employees shall only include software and applications that are compliant with federal HJC→,←HJC HJC→and←HJC state HJC→, ~~local, territorial and tribal~~←HJC data retention and protection laws.

C. By January 1, 2026, the department shall implement a system, approved by the department of information technology, that will back up on an hourly basis all electronic records generated or received by employees of the department related to the performance of their duties within the scope of their employment by the department.

D. During the term of an employee's employment by the department, and for a period of at least HJC→~~twenty-~~ ~~four~~←HJC HJC→~~seven~~←HJC years after the termination of an employee's employment by the department, the department shall retain all electronic records stored on electronic devices used by department employees and all electronic records that have

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been backed up from electronic devices used by department employees. HJC→The department shall back up the retained electronic records daily, monthly and annually.←HJC

E. As used in this section:

(1) "back up" means to electronically copy in a recoverable format to a searchable database maintained by the department all electronic records generated by or contained within an electronic device;

(2) "electronic device" means a telephone, tablet, computer, watch or similar device used to generate, store or transfer information; and

(3) "electronic records" means information generated by, transmitted by or stored on an electronic device, including electronic mail, voicemail, text and instant messages, documents and photographs, regardless of the platform being used, including interagency communications."

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