

1 HOUSE BILL 253

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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5 and Cristina Parajón
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10 AN ACT

11 RELATING TO COURT RECORDS; REQUIRING THE SEALING OF CERTAIN
12 COURT RECORDS PERTAINING TO AN EVICTION; PROVIDING PROCEDURES
13 FOR A PETITION TO SEAL A COURT RECORD; PROVIDING A PROCESS FOR
14 PETITIONING FOR THE UNSEALING OF A COURT RECORD.
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new Section 47-8B-1 NMSA 1978 is enacted to
18 read:

19 "47-8B-1. [NEW MATERIAL] EVICTION RECORDS--SEALED COURT
20 RECORDS--PROCEDURES--PETITION TO UNSEAL COURT RECORDS.--

21 A. As used in this section:

22 (1) "authorized attorney" means an attorney
23 who has access to sealed eviction court records as determined
24 by a policy adopted by the administrative office of the courts;

25 (2) "court record" means any information

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1 contained in a docket, including the court docket, pleadings
2 and orders;

3 (3) "eviction" means an action initiated by an
4 owner to regain possession of a dwelling unit and use of the
5 premises from a resident pursuant to the Uniform Owner-Resident
6 Relations Act and includes actions by the owner or management
7 of a mobile home park, trailer park or park to regain
8 possession and use of a mobile home, mobile home space, space,
9 mobile home lot or lot pursuant to the Mobile Home Park Act;

10 (4) "owner" means one or more persons, jointly
11 or severally, in whom is vested all or part of the legal title
12 to property or all or part of the beneficial ownership and a
13 right to present use and enjoyment of the premises and agents
14 thereof; "owner" includes a mortgagee in possession and the
15 lessors and landlords or managers of a mobile home park
16 pursuant to the Mobile Home Park Act, but does not include a
17 person or persons, jointly or severally, who as owner leases
18 the entire premises to a lessee of vacant land for apartment
19 use;

20 (5) "resident" means a person entitled under a
21 rental agreement to occupy a dwelling unit in peaceful
22 possession to the exclusion of others and includes the owner of
23 a mobile home renting premises, lot or parcel in a mobile home
24 park for use as a site for the location of the mobile home; and

25 (6) "seal" means to limit access of a court

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1 record to:

2 (a) judges;

3 (b) court staff;

4 (c) authorized staff of the judicial
5 department of the state;

6 (d) a party to the case and, if
7 represented, the party's attorney;

8 (e) authorized attorneys; and

9 (f) a person with a valid court order or
10 directive from the judicial technology council authorizing
11 access to the court record.

12 B. Upon the commencement of an eviction, the court
13 record shall be sealed.

14 C. When an order granting an owner possession of
15 the premises is entered in an eviction, the court record shall
16 be:

17 (1) unsealed no less than fifteen days after
18 the date of the order, unless:

19 (a) the parties agree and the court
20 orders that the court record should remain sealed;

21 (b) the resident files an appeal,
22 wherein the court record shall remain sealed through the
23 pendency of the appeal; or

24 (c) the order is later set aside by the
25 court, wherein the court shall as soon as practicable seal the

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1 court record; and

2 (2) available to the public; provided that the
3 court shall seal the court record no less than and as close to
4 three years as possible after the date on which the court
5 record was made available to the public.

6 D. The names of the parties included in a sealed
7 court record pursuant to this section may be used by the court
8 for administrative purposes, but the court shall not publish
9 the names of the parties online or sell or release a sealed
10 court record as part of a bulk or individual records transfer
11 to a third party; such bulk record request shall be subject to
12 the provisions of Subsection G of this section.

13 E. A resident who is a party to an eviction in
14 which a court record is sealed pursuant to this section shall
15 not be liable for failing to disclose the eviction in response
16 to any inquiry from a third party.

17 F. If a sealed court record is made available to
18 the public pursuant to Paragraph (2) of Subsection C of this
19 section, the court record shall be sealed again upon a
20 resident's petition indicating that:

21 (1) sealing the court record would be in the
22 interests of justice; and

23 (2) those interests are not outweighed by the
24 public's interest in access to the records.

25 G. A court record sealed pursuant to this section

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1 shall be unsealed on order of the court upon a showing of
2 compelling need, which may include scholarly, educational,
3 journalistic or governmental purposes. In determining whether
4 there is a compelling need, the court shall balance the
5 interests of the resident for nondisclosure against the
6 interests of the requesting party. For bulk record requests, a
7 court record sealed pursuant to this section shall be unsealed
8 only upon a directive from the judicial technology council.

9 H. Residents shall not be charged a filing fee for
10 a petition pursuant to Subsection F of this section.

11 I. A sealed court record shall be released to an
12 authorized attorney and maintain its status as a sealed court
13 record without being made available to the public and without a
14 showing of compelling need.

15 J. The provisions of this section shall apply to
16 all evictions provided pursuant to the Uniform Owner-Resident
17 Relations Act and the Mobile Home Park Act filed on or after
18 the effective date of this 2025 act."