

underscoring material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 309

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

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO CRIMINAL PROCEDURE; ADDING NOTIFICATION
REQUIREMENTS FOR VIOLATIONS OF PRETRIAL CONDITIONS OF RELEASE;
PROVIDING THAT PRETRIAL CONDITIONS OF RELEASE ARE PUBLIC
RECORDS WITH EXCEPTIONS; PROVIDING ACCESS TO GLOBAL POSITIONING
SYSTEM DATA ON DEFENDANTS ON PRETRIAL RELEASE TO LAW
ENFORCEMENT OFFICERS UPON REQUEST.

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

SECTION 1. A new section of Chapter 31 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] VIOLATION OF PRETRIAL CONDITIONS OF
RELEASE--PUBLIC RECORDS--EXCEPTIONS.--Pretrial release and
supervision records that show or support a violation of
conditions of release are public records; provided that the
records do not contain precise geographical coordinates,

underscoring material = new
~~[bracketed material] = delete~~

1 protected health information or protected personal identifying
2 information or that the information be redacted."

3 SECTION 2. Section 31-3-12 NMSA 1978 (being Laws 2022,
4 Chapter 56, Section 28) is amended to read:

5 "31-3-12. AVAILABILITY OF GLOBAL POSITIONING SYSTEM DATA
6 ON DEFENDANTS ON PRETRIAL RELEASE.--Any public entity that
7 possesses or controls global positioning system data with
8 respect to a defendant on pretrial release shall make that data
9 available without a warrant to a law enforcement officer
10 pursuant to an ongoing and pending criminal investigation [~~for~~
11 ~~which there is reasonable suspicion to believe the data will be~~
12 ~~probative~~] upon request. Any data provided to the law
13 enforcement officer shall be limited to data that relates to
14 the criminal investigation [~~and is not more than one year old.~~
15 ~~The data shall not be made a part of any public record unless~~
16 ~~admitted as evidence during a criminal trial~~]. The law
17 enforcement officer may request immediate access to the data if
18 it involves an investigation of:

19 A. any of the following serious violent felony
20 offenses:

- 21 (1) murder in the first degree;
- 22 (2) first or second degree felony human
23 trafficking of a child;
- 24 (3) first degree felony abuse of a child;
- 25 (4) sexual exploitation of a child

.229313.1SA

underscoring material = new
[bracketed material] = delete

1 constituting at least a second degree felony; or
2 (5) a serious violent felony offense as
3 provided in Subparagraphs (a) through (n) of Paragraph (4) of
4 Subsection L of Section 33-2-34 NMSA 1978;

5 B. a felony offense during which a firearm was
6 brandished pursuant to Section 31-18-16 NMSA 1978 or during
7 which a firearm was discharged; or

8 C. a felony offense during which great bodily
9 harm was inflicted as defined in Section 30-1-12 NMSA 1978 or
10 that caused the death of a person."

11 SECTION 3. A new section of the Victims of Crime Act is
12 enacted to read:

13 "[NEW MATERIAL] NOTIFICATION FOR VIOLATION OF PRETRIAL
14 CONDITIONS OF RELEASE.--If a person on pretrial release for a
15 criminal offense violates a condition of release established by
16 the court, the pretrial services officer or other individual in
17 charge of supervising the conditions of release shall
18 immediately notify the court, the prosecuting authority, the
19 defendant's counsel and the victim."