

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 253

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

AN ACT

RELATING TO COURT RECORDS; REQUIRING THE SEALING OF CERTAIN
COURT RECORDS PERTAINING TO AN EVICTION; PROVIDING PROCEDURES
FOR SEALING AND UNSEALING A COURT RECORD.

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

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

"47-8B-1. [NEW MATERIAL] EVICTION RECORDS--SEALED COURT
RECORDS--PROCEDURES--UNSEALING COURT RECORDS.--

A. As used in this section:

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

(2) "court record" means any information
contained in a docket, including the court docket, pleadings

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1 and orders;

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

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

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

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

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- 1 (a) judges;
- 2 (b) court staff;
- 3 (c) authorized staff of the judicial
- 4 department of the state;
- 5 (d) a party to the case and, if
- 6 represented, the party's attorney;
- 7 (e) authorized attorneys; and
- 8 (f) a person with a valid court order or
- 9 directive from the judicial technology council authorizing
- 10 access to the court record.

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

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

16 (1) unsealed no fewer than fifteen days after
17 the date of the order upon written request of the owner,
18 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, in
- 22 which case 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, in which case the court shall as soon as practicable

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1 seal the 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 motion 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 motion 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."