

A JOINT MEMORIAL  
REQUESTING THE ATTORNEY GENERAL TO STUDY TELEMARKETING  
PRACTICES AND MECHANISMS USED THROUGHOUT THE COUNTRY TO  
PROTECT INDIVIDUALS' EXPECTATIONS OF PRIVACY IN THEIR HOMES.

WHEREAS, the use of the telephone to market goods and services to the home is pervasive now due to the increased use of cost-effective telemarketing techniques; and

WHEREAS, thirty thousand businesses actively telemarket goods and services to business and residential customers; and

WHEREAS, every day, over three hundred thousand solicitors place calls to more than eighteen million Americans, including residents of this state; and

WHEREAS, telemarketing can be an intrusive and relentless invasion of the privacy and peacefulness of the home; and

WHEREAS, many residents of this state are outraged over the proliferation of nuisance calls to their homes from telemarketers; and

WHEREAS, senior citizens are often easy targets of unscrupulous and repetitive telemarketing practices; and

WHEREAS, individuals' privacy rights and commercial freedom of speech can be balanced in a way that accommodates both the privacy of individuals and legitimate telemarketing practices; and

WHEREAS, it is also in the public interest to consider and balance the economic benefits from telemarketing activities within New Mexico against the aforementioned privacy concerns; and

WHEREAS, twenty-eight states, including Arizona, Colorado and Texas, have enacted "do not call" laws to protect their residents' privacy; and

WHEREAS, it is in the public interest to establish a mechanism under which the individual residents of this state can decide whether or not to receive telemarketing calls in their homes;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the attorney general of New Mexico be requested to take such actions as necessary to study telemarketing practices and the mechanisms used in other states to protect individuals' expectations of privacy in their homes, to solicit public input from the residents of New Mexico and to make recommendations as to what measures can best be applied in New Mexico; and

BE IT FURTHER RESOLVED that the office of the attorney general of New Mexico present its findings and recommendations to the appropriate interim committee during the 2002 legislative interim; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the office of the attorney general of New Mexico. \_\_\_\_\_

