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SENATE BILL 442

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Nancy Rodriguez

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 14-3-15.1 NMSA
1978 (BEING LAWS 1986, CHAPTER 81, SECTION 9, AS AMENDED) TO
PROVIDE FOR DATABASE INFORMATION OF COUNTIES AND MUNICIPALITIES
AS PUBLIC RECORDS AND COPY FEES.

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

Section 1. Section 14-3-15.1 NMSA 1978 (being Laws 1986,
Chapter 81, Section 9, as amended) is amended to read:

"14-3-15.1. RECORDS OF STATE AGENCIES, COUNTIES AND
MUNICIPALITIES--PUBLIC RECORDS--COPY FEES--COMPUTER DATABASES--
CRIMINAL PENALTY.--

A. Except as otherwise provided by federal or state
law, information contained in information systems databases
shall be a public record and shall be subject to disclosure in
printed or typed format by the state agency, county or

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1 municipality that has inserted that information into the
2 database, in accordance with the Public Records Act, upon the
3 payment of a reasonable fee for the service.

4 B. The administrator shall recommend to the
5 commission the procedures, schedules and technical standards
6 for the retention of computer databases.

7 C. [~~The~~] A state agency, county or municipality
8 that has inserted data in a database may authorize a copy to be
9 made of a computer tape or other medium containing a
10 computerized database of a public record for any person if the
11 person agrees:

12 (1) not to make unauthorized copies of the
13 database;

14 (2) not to use the database for any political
15 or commercial purpose unless the purpose and use is approved in
16 writing by the state agency, county or municipality that
17 created the database;

18 (3) not to use the database for solicitation
19 or advertisement when the database contains the name, address
20 or telephone number of any person unless such use is otherwise
21 specifically authorized by law;

22 (4) not to allow access to the database by any
23 other person unless the use is approved in writing by the state
24 agency, county or municipality that created the database; and

25 (5) to pay a royalty or other consideration to

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1 the state, county or municipality, as appropriate, as may be
2 agreed upon by the state agency, county or municipality that
3 created the database, and the state agency, county or
4 municipality may base its determination of the royalty or other
5 consideration on the cost to the public of developing the
6 database.

7 D. If more than one state agency, county or
8 municipality is responsible for the information inserted in the
9 database, the agencies, counties or municipalities shall enter
10 into an agreement designating a lead agency. If the agencies,
11 counties or municipalities cannot agree as to the designation
12 of a lead [~~state~~] agency, the commission shall designate one of
13 the state agencies, counties or municipalities as the lead
14 agency to carry out the responsibilities set forth in this
15 section.

16 E. Subject to any confidentiality provisions of
17 law, any state agency, county or municipality may permit
18 another state agency, county or municipality access to all or
19 any portion of a computerized database created by a state
20 agency, county or municipality.

21 F. If information contained in a database is
22 searched, manipulated or retrieved or a copy of the database is
23 made for any private or nonpublic use, a fee shall be charged
24 by the state agency, county or municipality permitting access
25 or use of the database.

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1 G. Except as authorized by law or rule of the
2 commission, any person who reveals to any unauthorized person
3 information contained in a computer database or who uses or
4 permits the unauthorized use or access of any computer database
5 is guilty of a misdemeanor, and upon conviction the court shall
6 sentence that person to jail for a definite term not to exceed
7 one year or to payment of a fine not to exceed five thousand
8 dollars (\$5,000) or both. That person shall not be employed by
9 the state for a period of five years after the date of
10 conviction."

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