

SENATE BILL 118

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC RECORDS; PROTECTING THE CONFIDENTIALITY OF CERTAIN VICTIMS OF AND WITNESSES TO CERTAIN CRIMES.

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

SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--
[A.] Every person has a right to inspect public records of this state except:

[(-)] A. records pertaining to physical or mental examinations and medical treatment of persons confined to an

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institution;

[←2] B. letters of reference concerning
employment, licensing or permits;

[←3] C. letters or memoranda that are matters of
opinion in personnel files or students' cumulative files;

[←4] D. portions of law enforcement records that
reveal:

(1) confidential sources, methods or
information; or

(2) before charges are filed, names
HJC→address, contact information, or protected personal
identifier information as defined in this Act←HJC of
individuals who are:

(a) accused but not charged with a
crime; or

(b) victims of or non-law-enforcement
witnesses to an alleged crime of: 1) assault with intent to
commit a violent felony pursuant to Section 30-3-3 NMSA 1978
when the violent felony is criminal sexual penetration; 2)
assault against a household member with intent to commit a
violent felony pursuant to Section 30-3-14 NMSA 1978 when the
violent felony is criminal sexual penetration; 3) stalking
pursuant to Section 30-3A-3 NMSA 1978; 4) aggravated stalking
pursuant to Section 30-3A-3.1 NMSA 1978; 5) criminal sexual
penetration pursuant to Section 30-9-11 NMSA 1978; or 6)

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criminal sexual contact pursuant to Section 30-9-12 NMSA 1978.

Law enforcement records include evidence in any form received or compiled in connection with a criminal investigation or prosecution by a law enforcement or prosecuting agency, including inactive matters or closed investigations to the extent that they contain the information listed in this ~~[paragraph]~~ subsection; provided that the presence of such information on a law enforcement record does not exempt the record from inspection;

~~[(5)]~~ E. as provided by the Confidential Materials Act;

~~[(6)]~~ F. trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting;

~~[(7)]~~ G. tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack; and

~~[(8)]~~ H. as otherwise provided by SJC→federal←SJC law SJC→, ←SJC

~~[B. Protected personal identifier information contained in public records may be redacted by a public body before inspection or copying of a record. The presence of~~

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~~protected personal identifier information on a record does not exempt the record from inspection. Unredacted records that contain protected personal identifier information shall not be made available on publicly accessible web sites operated by or managed on behalf of a public body] SJC→the constitution of New Mexico, statute or supreme court rule←SJC."~~

SECTION 2. A new section of the Inspection of Public Records Act, Section 14-2-1.1 NMSA 1978, is enacted to read:

"14-2-1.1. [NEW MATERIAL] PERSONAL IDENTIFIER INFORMATION.--Protected personal identifier information contained in public records may be redacted by a public body before inspection or copying of a record. The presence of protected personal identifier information on a record does not exempt the record from inspection. Unredacted records that contain protected personal identifier information shall not be made available on publicly accessible websites operated by or managed on behalf of a public body."