

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 64

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

AN ACT

RELATING TO RISK MANAGEMENT; REMOVING THE ONE-HUNDRED-EIGHTY-DAY DELAY IN RELEASING PUBLIC RECORDS PERTAINING TO CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES AFTER THE OCCURRENCE OF CERTAIN EVENTS; CHANGING AND REMOVING THE EVENTS THAT TRIGGER RELEASE OF PUBLIC RECORDS PERTAINING TO CERTAIN CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES; ELIMINATING CRIMINAL PENALTIES FOR REVEALING CONFIDENTIAL RECORDS PERTAINING TO CERTAIN CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES.

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

SECTION 1. Section 15-7-9 NMSA 1978 (being Laws 1981, Chapter 280, Section 1) is amended to read:

"15-7-9. CONFIDENTIALITY OF RECORDS [~~PENALTY~~].--

.217238.1

underscored material = new  
[bracketed material] = delete

1           A. The following records created or maintained by  
2 the risk management division of the general services department  
3 are confidential and shall not be subject to any right of  
4 inspection by any person [~~not a state officer, member of the~~  
5 ~~legislature~~] except the New Mexico legislative council or a  
6 state employee within the scope of [his] the New Mexico  
7 legislative council's or state employee's official duties:

8                   (1) records pertaining to insurance coverage;  
9 provided that any record of a particular coverage shall be  
10 available to any public officer, public employee or  
11 governmental entity insured under such coverage; and

12                   (2) records pertaining to claims for damages  
13 or other relief against any governmental entity or public  
14 officer or employee; provided [~~such records shall be subject to~~  
15 ~~public inspection by New Mexico citizens one hundred eighty~~  
16 ~~days after the latest of the following dates:~~

17                           ~~(a) the date all statutes of limitation~~  
18 ~~applicable to the claim have run] that the records shall be~~  
19 ~~subject to public inspection on and after the earliest of:~~

20                                   ~~[(b)]~~ (a) the date [~~all litigation~~  
21 ~~involving the claim and the occurrence giving rise thereto has~~  
22 ~~been brought to] a final judgment is issued resolving the claim~~  
23 and all appeals and rights to appeal have been exhausted; or

24                                   ~~[(c) the date the claim is fully and~~  
25 ~~finally settled; or~~

1                                   ~~(d) the date the claim has been placed~~  
2 ~~on closed status]~~

3                                   (b) the date a settlement agreement is  
4 signed by all of the parties.

5                                   B. Records protected pursuant to Subsection A of  
6 this section shall be made available as necessary for purposes  
7 of audit or defense. Any person performing such audit or  
8 providing such defense shall keep such records confidential,  
9 except as required otherwise by law.

10                                  ~~[C. Any person who reveals records protected~~  
11 ~~pursuant to Subsection A of this section to another person in~~  
12 ~~violation of this section is guilty of a misdemeanor and shall,~~  
13 ~~upon conviction, be fined not more than one thousand dollars~~  
14 ~~(\$1,000). The state shall not employ any person so convicted~~  
15 ~~for a period of five years after the date of conviction.]"~~

underscored material = new  
[bracketed material] = delete