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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.--

A. The following records created or maintained by the risk management division of the general services department are confidential and shall not be subject to any right of inspection by any person except the New Mexico legislative council or a state employee within the scope of the New Mexico legislative council's or state employee's official duties:

(1) records pertaining to insurance coverage; provided that any record of a particular coverage

1 shall be available to any public officer, public employee or
2 governmental entity insured under such coverage; and

3 (2) records pertaining to claims for damages
4 or other relief against any governmental entity or public
5 officer or employee; provided that the records shall be
6 subject to public inspection on and after the earliest of:

7 (a) the date a final judgment is issued
8 resolving the claim and all appeals and rights to appeal have
9 been exhausted; or

10 (b) the date a settlement agreement is
11 signed by all of the parties.

12 B. Records protected pursuant to Subsection A of
13 this section shall be made available as necessary for purposes
14 of audit or defense. Any person performing such audit or
15 providing such defense shall keep such records confidential,
16 except as required otherwise by law." _____

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