

LFC Requester:	SCOTT SANCHEZ
-----------------------	----------------------

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 25FEB25 *Check all that apply:*
Bill Number: HB283la Original Correction
 Amendment Substitute

Sponsor: Christine Chandler **Agency Name and Code** 790 – Department of Public Safety
Short Title: LAW ENFORCEMENT RECORDS CHANGES **Number:** _____
Person Writing H. L. Lovato
Phone: 5058273316 **Email:** Herman.lovato@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0.00	\$30.00 per hour after first hour	\$30.00 per hour after first hour	Recurring	OSF-LERB Fees

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	Indeterminate	Indeterminate	Indeterminate	Recurring	OSF-LERB Fees

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act Relates to HB139, but this bill focuses on different areas of the Inspection of Public Records Act.

SECTION III: NARRATIVE

BILL SUMMARY

The amendment for HB 283 proposes the following four (4) changes to the language:

1. On page 3, line 13, after "by", insert "an online media outlet or".
2. On page 11, line 24, strike "fifteen calendar days" and strike "two".
3. On page 11, line 25, strike "periods have" and insert in lieu thereof "period has".
4. On page 12, lines 22 and 23, strike "fifteenth calendar day following the".

This amendment does not alter the overall intent or impact of the legislation and will not affect its implementation or enforcement.

Addresses requests for law enforcement records for commercial use and remedies for denial of requests for records. Creates an Inspection of Public Records Task Force to review procedures related to the inspection of public records and assistance for public bodies and requesters of records.

Law enforcement records may not be used for solicitation of victims or relatives of victims of crimes or accidents, and a person who requests law enforcement records must certify that they will not be used for such solicitation. Such a request must also confirm or deny if the requested records are to be used for a commercial purpose; if so, a fee may be charged for the records (not to exceed \$30 per hours for any amount of time beyond the initial hour to review and prepare a public record).

“Commercial purpose” means the use of any part of a public record in any form for sale, resale, solicitation, rent or lease of a service or any use by which the user expects a profit; and does not include the use of a public record:

- (1) by a newspaper or periodical or by a website or social media account associated with the newspaper or periodical;
- (2) by a radio or television station in its news or other informational programs or by a website or social media account associated with the radio or television station;
- (3) by a social media account that disseminates news and information to the general public; or
- (4) in the preparation for prosecution or defense of litigation or claims settlement by the parties to such action or the attorneys representing the parties.

Amends the procedure for denial of records requests:

- The requester must first provide the public body from which the record was requested with written notice of the claim violation
- The public body has 15 calendar days to respond to the notice and 15 calendar days to remedy the violation.
- After the two 15-day periods have elapsed, the public body is subject to enforcement as provided in Sec. 14-2-12. Damages accrue from the 15th calendar day following the day the public body received the notice of a claimed violation until a written denial is issued.
- An action to enforce the Inspection of Public Records Act shall be commenced within two years of the date the notice of claimed violation was provided to the public body. Damages shall not be assessed for any period of time prior to the person providing the notice of the claimed violation.

INSPECTION OF PUBLIC RECORDS TASK FORCE is created, consisting of 11 members and existing from July 1, 2025 until January 1, 2026. The Attorney General is to convene the task force. Duties are:

- Make recommendations on alternative enforcement options of claimed violations of the Inspection of Public Records Act before court action is commenced
- Make recommendations on the use of ombuds to assist public record requesters and public bodies

- Make recommendation on standardizing inspection of public records process
- Make recommendations on misuse of the Inspection of Public Records Act by requesters, including possible penalties
- Solicit comments from affected requesters and public bodies
- Report recommendations for legislation to the Governor and Legislature by December 15, 2025.

FISCAL IMPLICATIONS

The amendment will have not fiscal implications for DPS.

The legislation introduces a significant benefit by permitting public bodies to charge a fee "not to exceed thirty dollars (\$30.00) per hour for any amount of time beyond the initial hour that was spent reviewing and preparing a public record." This is a substantial improvement from the current practice of the Department of Public Safety's (DPS) Law Enforcement Records Bureau (LERB), which charges just one dollar (\$1.00) per page for each Inspection of Public Records Act (IPRA) records request.

By implementing this hourly fee structure, public bodies can better manage and recover the costs associated with processing large and time-consuming records requests. This will enable the LERB and other public agencies to allocate their resources more effectively, ensuring that their staff can focus on fulfilling requests without being overwhelmed by the financial burden.

Additionally, the new fee structure will likely deter excessive and frivolous requests, particularly from commercial entities that may have previously exploited the low-cost system. With the introduction of this fee, requestors will have to carefully consider the necessity and scope of their requests, leading to a more efficient and manageable workload for public bodies.

Currently, LERB (Law Enforcement Records Bureau) is not tracking how many IPRA (Inspection of Public Records Act) requests are non-commercial versus commercial. As a result, we cannot accurately project the number of work-hours involved, the potential revenue to be collected, or the salary and benefit costs incurred at this time. However, the proposed legislation's ability to charge an hourly rate for staff time spent reviewing and preparing documents for release will significantly help LERB offset its personnel costs incurred for commercial requests.

SIGNIFICANT ISSUES

The amendment will have no significant issues to DPS as DPS supports the bill as drafted.

PERFORMANCE IMPLICATIONS

The amendment will not have any performance implications for DPS.

If enacted, LERB will need to update the IPRA portal to include a field that asks if an incoming request is non-commercial or commercial. This distinction will help the Bureau track the associated staff time required for commercial requests to assess the appropriate hourly fees.

HB 283 prohibits the use of law enforcement records to solicit victims and/or relatives of victims of reported accidents, crimes and other incidents. In addition, a written request that does not confirm or deny that the requested record is intended to be used for a commercial purpose, shall be deemed as an incomplete request and shall not be acted upon by the public body until the required information is submitted to the public body.

In Section 6 (A), the bill adds a step in favor of public bodies that should result in significant financial savings to that body and the people of New Mexico with possible quick, satisfactory resolutions to the requestors. There is currently no requirement for requestors to go through an administrative review step if they are not satisfied with the response to their request as to the

timeliness or scope of what was provided to them by a government body. They can directly file a petition for writ of mandamus in a district court where they reside, or the government body resides, without giving the government body notice and a chance to remedy the situation before the requestor does so. This bill introduces a crucial statutory notice provision, which is an important step in promoting transparency and accountability within public bodies. By requiring that public bodies be notified of alleged violations before any legal action is taken, the bill ensures that these organizations have a fair opportunity to address and rectify issues in a timely manner. Specifically, the provision allows public bodies a window of fifteen (15) business days to resolve the matter. This not only encourages proactive problem-solving but also helps to minimize legal disputes and associated costs. Public bodies can address and correct potential violations internally, reducing the need for lengthy and costly legal proceedings. This approach benefits both the requestor and the public body, fostering a more cooperative and efficient process for handling records requests.

In addition, this bill provides closure by defining a new two-year statute of limitations for filing complaints related to IPRA (Inspection of Public Records Act) violations. This means that any grievances regarding violations must be filed within two (2) years from the date of the alleged incident. Furthermore, the bill stipulates that damages cannot be awarded for any period before the requestor has notified the public body of the alleged violation. This measure is designed to ensure that public bodies are given a fair opportunity to address any concerns before facing financial penalties. By establishing clear guidelines and timeframes, the bill aims to reduce legal ambiguities and promote timely resolution of disputes related to public records access.

Currently, requestors submitting IPRA requests for commercial purposes may find the process cost-prohibitive if an additional hourly fee is charged on top of the current per-page assessment. This could lead to a significant reduction in the number of requests submitted solely for commercial purposes, which is one of the primary goals of this legislation. By discouraging excessive commercial requests, the Bureau can focus on fulfilling public records requests more efficiently and reduce the administrative burden on its staff. Ultimately, this legislative change aims to balance the needs of the public with the resources of the Bureau, ensuring a more sustainable and fair process for accessing public records.

ADMINISTRATIVE IMPLICATIONS

The amendment will have not administrative implications for DPS.

LERB will have the opportunity to enhance its policies and provide updated training. The 15-day response timeline for denied requests ensures greater efficiency and transparency in public records access, while LERB's expanded enforcement responsibilities will strengthen accountability and oversight.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified by DPS.

TECHNICAL ISSUES

None identified by DPS.

OTHER SUBSTANTIVE ISSUES

The amendment will not cause any other substantive issues for DPS.

The creation of a new IPRA Task Force chaired by the Attorney General will allow stakeholders to provide valuable input on current issues, voice concerns, and make recommendations to improve the current IPRA process that was implemented in 1978 with minimal updates since then.

ALTERNATIVES

None identified by DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 283 is not enacted, the status quo will persist, leaving issues like victim solicitation, excessive records requests, and administrative cost burdens unresolved. Law enforcement agencies will continue to bear the

administrative costs, potentially causing delays in processing records. Data brokers and commercial entities could exploit the system, and the lack of action may lead to legal disputes and transparency concerns as public and media organizations push back against inconsistent access to law enforcement records.

Additionally, LERB will face ongoing administrative strain due to the high volume of commercial and public records requests, which could overwhelm staff and lead to delays and inefficiencies. Without a cost-recovery mechanism, the Bureau will absorb the financial burden of processing large-scale requests without the ability to charge for staff time. Furthermore, there will be no legal barrier to prevent victim solicitation, allowing attorneys, medical providers, or businesses to continue using law enforcement records to contact crime victims.

AMENDMENTS

None proposed by DPS.