

LFC Requester:	Scott Sanchez
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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: 2/25/2025 *Check all that apply:*
Bill Number: HB283 Original Correction
 Amendment Substitute

Sponsor: Chandler **Agency Name and Code:** Municipal League
Short Title: Law Enforcement Records **Number:** _____
Person Writing: Rebecca Martinez
Phone: 505-697-3278 **Email:** rmartinez@nmml.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of amendment

The amendment adopted in HEGIC on February 24, 2025, does the following:

- Adds “online media outlet” to the list of entities exempted from the definition of “commercial purpose”, and
- Removes a drafting error within the bill related to the number of days a public body has to respond to a claimed violation. The amended bill now reflects the original intent, which is to provide a public body with 15 calendar days to respond.

Synopsis of original bill:

HB283 proposes multiple updates to the Inspection of Public Records Act (IPRA). These updates include:

- Addition of a two-year statute of limitations for filing complaints of alleged IPRA violations and provides that damages cannot be awarded for periods before a requestor has notified the applicable public body of the alleged violation.
- Incorporation of a statutory notice provision, requiring that public bodies be notified of alleged violations before legal action is taken and allowing them to cure/remedy the matter within 15 calendar days.
- Allowance for the imposition of fees for requests to use records for commercial purposes, to better align with the law’s intent of promoting government transparency. The bill specifically exempts the news media from the proposed definition of ‘commercial request.’
- Establishes a committee to study the feasibility of an administrative appeals process to resolve IPRA disputes efficiently, avoiding costly litigation where feasible, and providing clear guidance to records custodians.
- Expansion of a current prohibition on the use of law enforcement records to solicit victims or their relatives, to include all persons, instead of only attorneys and healthcare providers.

FISCAL IMPLICATIONS

There is no anticipated additional cost to municipalities due to adhering to and implementing the provisions within HB283. The ability to impose fees for requestors to use records for commercial purposes could result in some revenue generation for municipalities, allowing them to recoup a portion of time and resources spent on fulfilling commercial requests.

SIGNIFICANT ISSUES

IPRA was enacted approximately forty years ago and has been amended only minimally since then. In recent years, there has been a significant surge in the number of requests received by public bodies. The increased use of IPRA has exposed areas of the Act that need procedural modification to address a variety of areas that are vastly different than they were when the bill was originally written. Some of the changes include the shift from physical records to electronic records, the ways in which public records are being used by for-profit companies, and the content and material now found within records. The proposed amendments listed in the Synopsis section above are geared towards addressing these issues.

In 2024, the New Mexico Municipal League conducted an evaluation of the state’s Inspection of Public Records Act using data collected from municipalities and counties. The evaluation was conducted to explore the financial and operational impacts of IPRA on local governments. Key findings of the evaluation include:

- Since 2020, average monthly IPRA requests among surveyed local governments have more than doubled, with notable increases in some municipalities exceeding 200%.
- Requests for police records, especially body-worn camera footage, have risen by 270%, significantly increasing the complexity and time required to process requests.
- Commercial data brokers – primarily LexisNexis – account for 15% of all requests among surveyed local governments and over one-third of requests in Santa Fe, Rio Rancho, and Farmington.
- Local governments have committed significantly more resources to handling IPRA requests, with a 46% increase in staff and a 71% rise in compensation costs since 2020. Other critical local government functions like public safety, infrastructure, and quality of life services have likely not seen corresponding increases.
- Requests involving body-worn camera footage are particularly time-intensive, often requiring two to three hours to review every hour of footage. A single incident can generate many hours of footage from multiple officers, further amplifying the workload.
- New Mexico lacks mechanisms like administrative appeals or ombudsman services that could help address disputes more efficiently and facilitate timely resolutions rather than prolonged litigation.
- The lack of a statutory notice provision may discourage less costly resolutions and incentivize lawsuits.
- Strict liability provisions mean that even unintentional errors or miscommunications can lead to penalties, further straining local government resources.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS