

LFC Requester:	<i>Emily Hilla</i>
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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: 2/21/25 *Check all that apply:*
Bill Number: HB 497 Original Correction
 Amendment Substitute

Sponsor: C. Brown **Agency Name and Code:** NM CVRC/ 78000
Short Title: Inspection of Public Records Act Changes **Number:** _____
Person Writing: Claire Harwell/Frank Zubia
Phone: 505-553-1223 **Email:** Frank.Zubia@cvrc.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	n/a	n/a

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	n/a	n/a

(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	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: *HB 139*
Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

SECTION III: NARRATIVE

BILL SUMMARY

The bill would alter the Inspection of Public Records Act by adding the following exclusions: medical records, reference letters in procurement, internal investigation documents, personal email/phone info, security system records, real estate appraisals before contracting, sealed bids before contracting, customer utility info, identity of reporting individuals in abuse/neglect cases, applicant info in unemployment or income support, crime victim/victim family identifiers and personal addresses and phone number. The bill creates a 45-day tolling clause for law enforcement response to requests in current cases. Crime victims and witnesses' info is protected in specific crimes and the bill would add these crimes: kidnapping, abandonment, child abuse, enticement, voyeurism, incest, child solicitation, criminal sexual communication, unauthorized distribution of sensitive images, resident abuse, and human trafficking. Accused individuals identifying info would be protected prior to charging. Juvenile victims or witnesses contact info would be protected. Confidential informant and undercover officer identification would be protected. Work schedules of law enforcement and corrections employees would be protected. Body worn camera footage would be protected unless it showed a crime or officer use of force or was the subject of a lawsuit.

Definitions would be added to the statute by adopting the bill. Burdensome would refer to over 3 hours of staff time to respond to a request. Infrastructure would refer to buildings and systems. Current records would be unarchived records from the past 12 months. Cybersecurity would be related to risk of loss or breach. Good faith would be defined as reasonable efforts and reasonable reliance on law, legal advice, or public policy. Law enforcement records would pertain to evidence in the custody of officers or prosecutors. Medical records would be physical or mental health information on conditions, treatment, or payment for care. Person would now include a public body and exclude inmates in corrections facilities. Private place would be defined as a place not open to the public. Personally identifying info would include all digits in identifiers (the last four would no longer be discoverable). Personal info would include employees' personal phone, home address, personal email, payroll deductions, dependents, emergency contacts. A reasonable denial would be defined as one based on a legal reason or a public policy justification. Reasonably particular would not include terms the entity doesn't use but would mean at least two of the following: title or subject line, author, date/limited date range. For audio/visual records, reasonably particular would include dispatch #, police report #, date and officer/responder name, or time, or location, or other criteria set by the agency.

A request would need to be in writing, list the requester's name and email address. An agent making a request must disclose the client requesting the info. It must be sent to the custodian of records, or the time of response is tolled until received by the custodian. It must be promptly forwarded internally. An agency could charge \$2 a copy and \$30/hr. for staff time to reply. Multiple requests over 5 may be treated as one request for billing purposes. A requestor may make their own copies.

An agency doesn't have to maintain/compile/format/manipulate/package/summarize/tailor for the requestor or provide in a particular format. Deleted materials need not be restored or recovered. Records of past activities in the form of cache, browser history, cookies, metadata and the like are not subject to disclosure. Online or printed materials need not be provided.

Reinspection is not required. An agency need not answer questions, do research, or provide advice. An agency may ask for clarification, or for a narrower demand if the response would be large. A request related to an election would be tolled 56 days before the election and would not be required until after the election has been certified.

The timelines for response to a request would be: 21 days starting on the first business day after receipt. 60 days for audio/visual materials. After 21 days, a denial may be presumed. A requestor would need to give written notice to the agency of any claimed violation and the agency would have 21 additional days to remedy the violation. Fines are accrued by business days accrued from the notice of violation date. Lawsuits may not be filed against employees and must be filed in the jurisdiction where the primary agency office is located. Writs would not issue unless there was proper service on the agency, due process, and a court finding of a violation. Attorneys fees would be permissive and would only be available if there was no good faith on the part of the agency.

Synopsis: *The bill creates new exclusions and definitions in the Inspection of Public Records Act. Process and deadlines are amended as well.*

FISCAL IMPLICATIONS

No additional costs are expected for CVRC.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

CVRC welcomes a balance between transparency and conservation of public resources. Currently, frivolous duplicative requests and lawsuits form a substantial burden for CVRC staff.

PERFORMANCE IMPLICATIONS

CVRC expends significant staff time and effort on response to IPRA requests. A legitimate reduction in frivolous requests would be beneficial to preserve resources for other parts of CVRC's mission.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 139 addresses the same statutory provisions with differing definitions and exclusions. Process changes also differ in that bill. That bill includes a section on persons abusing the IPRA law.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

IPRA requests will continue to consume significant state resources with frequent abuses.

AMENDMENTS

None suggested.