

LFC Requester:	Emily Hilla
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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: 22 FEB 25 *Check all that apply:*
Bill Number: HB 497 Original Correction
 Amendment Substitute

Sponsor: Cathrynn N. Brown **Agency Name and Code** 790 – Department of Public Safety
Short Title: INSPECTION OF PUBLIC RECORDS ACT CHANGES **Number:** _____
Person Writing LUIS LOPEZ
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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		
NFI	NFI	NFI	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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Related to HB139 2025 Regular
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 497 (HB497) Revises the Inspection of Public Records Act to provide additional exemptions from inspection; to designate additional records as law enforcement records; to revise the procedures for requesting and denying requests for public records; and to revise provisions for enforcement.

FISCAL IMPLICATIONS

The legislation introduces a significant benefit by permitting public bodies to charge a fee "not to exceed thirty dollars (\$30.00) per hour, excluding the first three (3) hours, for time 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.

SIGNIFICANT ISSUES

There are no significant issues for DPS.

PERFORMANCE IMPLICATIONS

House Bill 497 (HB 497) modernizes New Mexico's Inspection of Public Records Act (IPRA) by balancing transparency, efficiency, and public safety. It strengthens protections for sensitive law enforcement records, victims, witnesses, and cybersecurity information while improving the efficiency of public records processing.

Key provisions include:

- Exemptions for Sensitive Information: Expands protections for critical infrastructure, cybersecurity, confidential informants, crime victims, undercover officers, and tactical response plans, aligning with federal FOIA standards.
- Response Deadlines & Fees: Establishes clear deadlines—21 business days for current records, 60 for non-current/multimedia records. Allows agencies to charge \$30 per hour for requests requiring extensive redaction beyond three hours.
- Tolling for Active Investigations: Permits law enforcement to delay releasing records for up to 45 days to preserve case integrity and prevent premature disclosure.
- Streamlining Requests: Prevents anonymous requests, consolidates multiple requests from the same requester within 45 days, and introduces structured complaint resolution to reduce litigation risks.
- Legal Procedure Revisions: Requires written complaints before legal action, ensuring due process. Limits courts from issuing peremptory writs of mandamus without proper legal proceedings.
- Cybersecurity Protections: Exempts records related to IT systems, emergency response plans, and other security-sensitive information to prevent cyber threats and disruptions.

For law enforcement, HB 497 enhances operational security, requiring updated training on records management and redaction procedures. For the community, it balances public access with increased privacy and security measures, though expanded exemptions and extended response times may raise transparency concerns. Overall, the bill streamlines record requests, reduces administrative burdens, and strengthens public safety while maintaining accountability.

ADMINISTRATIVE IMPLICATIONS

House Bill 497 streamlines public records management by establishing clear procedures, structured timelines, and enhanced safeguards for handling sensitive law enforcement information. By requiring written, identifiable requests and allowing agencies to consolidate multiple filings from the same requestor, the bill reduces administrative strain and prevents unnecessary duplication of efforts. The 45-day tolling period for active investigations ensures that agencies can manage requests without disrupting critical casework, while expanded exemptions for cybersecurity, infrastructure, and confidential law enforcement data further protect operational integrity. These reforms increase efficiency, reduce processing backlogs, and allow agencies to allocate resources more effectively, strengthening both public access and law enforcement functionality.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 497 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.

AMENDMENTS

None at this time.