

LFC Requester:	<i>Joseph Simon</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: 1/29/25 *Check all that apply:*
Bill Number: SB 36 Original Correction
 Amendment Substitute

Sponsor: A. Sedillo Lopez **Agency Name and Code:** NM CVRC/ 78000
Short Title: Sensitive Personal Information Nondisclosure **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: SB 87
Duplicates/Relates to Appropriation in the General Appropriation Act; n/a

SECTION III: NARRATIVE

BILL SUMMARY

The proposed law would create a new act called the Nondisclosure of Sensitive Information Act. State employees would be generally prohibited from disclosing information gathered in their official capacity relating to: receipt of public benefits, status as a crime victim, disability, gender, sexual preference, national origin, religion, medical condition, immigration status, social security number, or tax ID. There are nine listed exceptions permitting disclosure of the protected info: in response to a court order, with written consent of the individual, pursuant to a HIPAA exception, as permitted in the Whistleblower Act, to a contractor bound by contract to the same safeguards for the info, as required by IPRA, as required by federal statute, disclosed in a court proceeding, or as necessary to fulfill a state function. Enforcement by the state Attorney General, the District Attorney, or the State Ethics Commission is authorized in the form of civil actions with penalties from \$250-\$5000.

Synopsis: The law would prohibit state employees from disclosing: public benefits receipt, status as a crime victim, disability, gender, sexual preference, national origin, religion, medical condition, immigration status, social security number or tax ID. Nine exceptions would be created. Civil penalties could be sought by the A.G., a D.A., or the State Ethics Commission in an amount between \$250- \$5000.

FISCAL IMPLICATIONS

None 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

State employees will need ongoing, updated guidance on the federal statute exception to the new legal duty.

PERFORMANCE IMPLICATIONS

CVRC adheres to all client/victim/survivor information held by CVRC is strictly confidential and shall not be disclosed, released, or shared, this includes all records, communications, and identifying information related to the agency client/victim/survivor.

Pursuant to NMSA §31-22-18. Confidentiality of records, reports and claim files.

Any record or report acquired by the commission, the confidentiality of which is protected by law, rule or regulation, shall be disclosed only under the same terms and conditions which protected its confidentiality prior to such acquisition. The claim file, which contains confidential reports, records and personal information, shall not be released.

History: Laws 1981, ch. 325, § 18; 1993, ch. 207, § 7; 2001, ch. 214, § 4.

ADMINISTRATIVE IMPLICATIONS

State contracts will need updating with these provisions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 87 prohibits any law that would restrict use of personnel or resources to enforce federal immigration law. This bill would restrict access to information that might be sought by immigration authorities.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

State employees would be personally civilly liable for actions in the course of their employment.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Changes and increases in immigration enforcement will create pressures to release information without clear guidelines on expectations of state workers.

AMENDMENTS

None suggested.