

LFC Requester:

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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: 1/23/25

Check all that apply:

Bill Number: SB67Original Correction Amendment Substitute Sponsor: Sen. Craig BrandtAgency Name
and CodeNumber: NM DoIT - 361Short Title: Use of Phone Location for 911Person Writing Michael RohrbacherTitle: CallsPhone: 505-476-3158 Email **SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

(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: Senate Bill 67 (SB 67) would amend the Enhanced 911 Act (the Act), Section 63-9D-3 NMSA 1978, to require a wireless service provider or internet service provider, upon the request of a law enforcement agency, to provide location information regarding a device used to make a 911 call for the purpose of responding to a situation that involves the risk of death or serious physical harm.

Section 1 of SB 67 would amend the definition of “911 call” under the Act to “911 service communication” by changing the term “call taker” to “dispatcher” and adding the clause “an equivalent emergency phone number or through the use of an internet service.” This section also replaces the term “call” with “communication” or “service communications,” throughout the definitions in the Act.

Section 2 would add a new section to the Act. This new section would require an internet or wireless service provider to provide location information for a device used to make a 911 service communication, to a law enforcement agency or public safety answering point, when responding to a 911 communication or emergency situation that involves the risk of death or serious physical harm. This section would also allow an internet or wireless service provider to establish protocols for voluntarily disclosing communication location information. It would also bar any claims of relief being filed against internet or wireless service providers or another person for acting in good faith under this section. The department of public safety (DPS) would be required to obtain contact information from all internet service and wireless service providers authorized to do business in this state to facilitate requests from a law enforcement agency or a public safety answering point on behalf of a law enforcement agency for communication location information under this section. DPS would then be required to disseminate the contact information to each law enforcement agency and public safety answering point in the state.

Section 3 of SB 67 would amend Section 63-9D-10 NMSA 1978 to replace the term “911 calls” with “911 service communications.”

Section 4 of SB 67 would amend Section 63-9D-11 NMSA 1978 to replace the term “call” with “communication” and the term “call initiated to 911” with “911 service communication.” It would also add a new subsection which would state that private listing subscribers waive the privacy afforded to nonlisted or nonpublished numbers to the extent that “the location information for a device used to make a 911 service communication is furnished to a law enforcement agency, a public safety answering point or an emergency responder to respond to a 911 service communication or to an emergency situation that involves the risk of death or serious physical harm.”

Section 5 provides an effective date of July 1, 2025.

FISCAL IMPLICATIONS

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.

See below (Technical Issues) - there could be a fiscal impact for DoIT as an internet or wireless service provider

SIGNIFICANT ISSUES

The bill does not have a definition for the terms “internet service provider” or “wireless service provider”. An obligation to provide location information is only owed by an “internet service” or “wireless service” provider. Because neither of these terms are defined, it is unclear who is obligated to provide location information. DoIT operates internet and radio networks used by public entities. However, DoIT does not have access to the location information available to a traditional internet service provider. To ensure that the obligations of this bill do not fall on entities that do not have the capacity to comply, the operative terms should be narrowly defined to refer only to those entities who have access to location information in real time.

PERFORMANCE IMPLICATIONS

As noted above, DoIT lacks access to real time location information for radio or internet calls on its public networks. If DoIT was considered an internet or wireless service provider, it could not comply with the proposed law.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

There is no definition for the term “serious physical harm” under the Act. Under the Criminal Code, Section 30-1-12(A) NMSA 1978, there is a definition for "great bodily harm" which “means an injury to the person which creates a high probability of death; or which causes serious disfigurement; or which results in permanent or protracted loss or impairment of the function of any member or organ of the body.” When assessing whether a 911 communication involves the risk of “serious physical harm” law enforcement agencies or public safety answering points may be unsure what standard to apply if there is no clear definition for this term. It is recommended to include a clear definition of the term or apply the same term as used in the criminal code, to which law enforcement agencies are already accustomed.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Emergency responders may not have access to critical location information.

AMENDMENTS

Add a definition of “internet or wireless service” provider that makes clear only those providers who have access to real time location information are subject to the obligations of this proposed law.