

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**  
**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2/13/2025 *Check all that apply:*  
**Bill Number:** SB 352 Original  Correction   
 Amendment  Substitute

**Sponsor:** Katy M. Duhigg **Agency Name and Code** AOC 218  
**Short Title:** Certain Photos as Confidential **Number:** \_\_\_\_\_  
**Person Writing** Adam Leuschel  
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**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
<b>Total</b>	\$0	\$0	\$0			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act: None

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Senate Bill 352 amends NMSA 1978, Section 24-11-7 to specify that photos taken by a state, district, or deputy medical investigator are confidential and are not public records. In addition, Senate Bill 352 states that these photos are only accessible to the public for use in a civil or criminal court proceeding.

There is no appropriation listed in this bill.

There is no effective date of this bill. It is assumed that the effective date is June 20, 2025, which is 90 days following adjournment of the Legislature.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced commitment actions and appeals. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

Photographs maintained or held by a public body are considered public records under the Inspection of Public Records Act. NMSA 1978, § 14-2-6(H). Senate Bill 352 would require the courts to redact any photographs taken by the state medical investigator when processing public records requests. Photographs are received as evidence in civil and criminal cases, and photographs taken by the state medical investigator are often used in criminal cases involving homicide. The proposed legislation would increase time spent by records custodians and court staff on reviewing and redacting court filings as part of public records requests.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “fiscal implications” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 352 allows the public to access photos taken by a medical investigator if the photographs are for use in a court proceeding. The Inspection of Public Records Act states that

“no person requesting records shall be required to state the reason for inspecting the records.” NMSA 1978, Section 14-2-8(C). As drafted, Senate Bill 352 would require a requester to tell the state medical investigator’s office the reason they are requesting records, which conflicts with the Inspection of Public Records Act.

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**