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SENATE BILL 118

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Jacob R. Candelaria

AN ACT

RELATING TO PUBLIC RECORDS; PROTECTING THE CONFIDENTIALITY OF
CERTAIN VICTIMS OF AND WITNESSES TO CERTAIN CRIMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947,
Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--
[A.] Every person has a right to inspect public records of this
state except:

[~~(1)~~] A. records pertaining to physical or mental
examinations and medical treatment of persons confined to an
institution;

[~~(2)~~] B. letters of reference concerning
employment, licensing or permits;

[~~(3)~~] C. letters or memoranda that are matters of

underscored material = new
~~[bracketed material] = delete~~

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1 opinion in personnel files or students' cumulative files;
2 [~~(4)~~] D. portions of law enforcement records that
3 reveal:

4 (1) confidential sources, methods or
5 information; or

6 (2) before charges are filed, names of
7 individuals who are:

8 (a) accused but not charged with a
9 crime; or

10 (b) victims of or non-law-enforcement
11 witnesses to an alleged crime of: 1) assault with intent to
12 commit a violent felony pursuant to Section 30-3-3 NMSA 1978
13 when the violent felony is criminal sexual penetration; 2)
14 assault against a household member with intent to commit a
15 violent felony pursuant to Section 30-3-14 NMSA 1978 when the
16 violent felony is criminal sexual penetration; 3) stalking
17 pursuant to Section 30-3A-3 NMSA 1978; 4) aggravated stalking
18 pursuant to Section 30-3A-3.1 NMSA 1978; 5) criminal sexual
19 penetration pursuant to Section 30-9-11 NMSA 1978; or 6)
20 criminal sexual contact pursuant to Section 30-9-12 NMSA 1978.

21 Law enforcement records include evidence in any form
22 received or compiled in connection with a criminal
23 investigation or prosecution by a law enforcement or
24 prosecuting agency, including inactive matters or closed
25 investigations to the extent that they contain the information

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1 listed in this ~~[paragraph]~~ subsection; provided that the
2 presence of such information on a law enforcement record does
3 not exempt the record from inspection;

4 ~~[(5)]~~ E. as provided by the Confidential Materials
5 Act;

6 ~~[(6)]~~ F. trade secrets, attorney-client privileged
7 information and long-range or strategic business plans of
8 public hospitals discussed in a properly closed meeting;

9 ~~[(7)]~~ G. tactical response plans or procedures
10 prepared for or by the state or a political subdivision of the
11 state, the publication of which could reveal specific
12 vulnerabilities, risk assessments or tactical emergency
13 security procedures that could be used to facilitate the
14 planning or execution of a terrorist attack; and

15 ~~[(8)]~~ H. as otherwise provided by federal law,

16 ~~[B.—Protected personal identifier information~~
17 ~~contained in public records may be redacted by a public body~~
18 ~~before inspection or copying of a record. The presence of~~
19 ~~protected personal identifier information on a record does not~~
20 ~~exempt the record from inspection. Unredacted records that~~
21 ~~contain protected personal identifier information shall not be~~
22 ~~made available on publicly accessible web sites operated by or~~
23 ~~managed on behalf of a public body] the constitution of New~~
24 ~~Mexico, statute or supreme court rule."~~

25 SECTION 2. A new section of the Inspection of Public

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1 Records Act, Section 14-2-1.1 NMSA 1978, is enacted to read:
2 "14-2-1.1. [NEW MATERIAL] PERSONAL IDENTIFIER
3 INFORMATION.--Protected personal identifier information
4 contained in public records may be redacted by a public body
5 before inspection or copying of a record. The presence of
6 protected personal identifier information on a record does not
7 exempt the record from inspection. Unredacted records that
8 contain protected personal identifier information shall not be
9 made available on publicly accessible websites operated by or
10 managed on behalf of a public body."