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HOUSE BILL 511

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE INSPECTION OF PUBLIC RECORDS; ADDING AN  
EXCEPTION FOR PROPRIETARY BUSINESS INFORMATION PROVIDED TO A  
PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION PURSUANT TO A  
CONFIDENTIALITY AGREEMENT.

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) records pertaining to physical or mental  
examinations and medical treatment of persons confined to an  
institution;

(2) letters of reference concerning

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1 employment, licensing or permits;

2 (3) letters or memoranda that are matters of  
3 opinion in personnel files or students' cumulative files;

4 (4) law enforcement records that reveal  
5 confidential sources, methods, information or individuals  
6 accused but not charged with a crime. Law enforcement records  
7 include evidence in any form received or compiled in connection  
8 with a criminal investigation or prosecution by a law  
9 enforcement or prosecuting agency, including inactive matters  
10 or closed investigations to the extent that they contain the  
11 information listed in this paragraph;

12 (5) as provided by the Confidential Materials  
13 Act;

14 (6) trade secrets, attorney-client privileged  
15 information and long-range or strategic business plans of  
16 public hospitals discussed in a properly closed meeting;

17 (7) trade secrets or proprietary commercial or  
18 business information provided by a private party or entity to a  
19 public post-secondary educational institution pursuant to a  
20 confidentiality agreement;

21 [~~(7)~~] (8) tactical response plans or  
22 procedures prepared for or by the state or a political  
23 subdivision of the state, the publication of which could reveal  
24 specific vulnerabilities, risk assessments or tactical  
25 emergency security procedures that could be used to facilitate

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1 the planning or execution of a terrorist attack; ~~and~~ or  
2 ~~(8)~~ (9) as otherwise provided by law.

3 B. 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 web sites operated by or  
10 managed on behalf of a public body."