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AN ACT

RELATING TO VITAL RECORDS; ELIMINATING FEES FOR CERTIFIED
BIRTH CERTIFICATES FOR HOMELESS INDIVIDUALS; ELIMINATING
RESTRICTIONS ON ACCESS TO VITAL RECORDS FOR HOMELESS CHILDREN
OR YOUTH AND UNACCOMPANIED YOUTH.

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

SECTION 1. Section 24-14-28 NMSA 1978 (being Laws 1961,
Chapter 44, Section 26, as amended) is amended to read:

"24-14-28. COPIES OR DATA FROM THE SYSTEM OF VITAL
STATISTICS.--

A. In accordance with the Vital Statistics Act and
the regulations adopted pursuant to that act:

(1) the state registrar shall, upon receipt
of a written application, issue a certified copy of any
certificate or record in the state registrar's custody to
anyone demonstrating a tangible and direct interest, except
that:

(a) certified copies of birth records
shall exclude all medical information unless a complete
certificate is specifically requested and the request for a
complete certificate is approved by the state registrar; and

(b) issuance of copies of birth records
shall be subject to the provisions of the Missing Child
Reporting Act;

1 (2) a certified copy of a certificate or any
2 part thereof, including records reproduced from paper
3 documents or photographic, magnetic or electronic files,
4 shall be considered for all purposes the same as the original
5 and is prima facie evidence of the facts therein stated;
6 provided that the evidentiary value of a certificate or
7 record filed more than one year after the event or a record
8 that has been amended shall be determined by the judicial or
9 administrative body or official before whom the certificate
10 is offered as evidence;

11 (3) the agency of the United States
12 government responsible for national vital statistics may be
13 furnished copies or data as it may require for national
14 statistics, upon the condition that the data shall not be
15 used for other than statistical purposes unless so authorized
16 by the state registrar;

17 (4) at the discretion of the state
18 registrar, federal, state, local and other public or private
19 agencies may upon request be furnished copies or data for
20 statistical or administrative purposes upon the conditions as
21 may be prescribed by the department;

22 (5) no person shall prepare or issue any
23 report of an induced abortion or any certificate that
24 purports to be an original, certified copy or copy of a
25 certificate of birth, death or spontaneous fetal death or

1 reproduction of a certified copy except as authorized in the
2 Vital Statistics Act or regulations adopted pursuant to that
3 act;

4 (6) the state registrar may, by written
5 agreement, transmit copies of records and other reports
6 required by the Vital Statistics Act to offices of vital
7 statistics outside this state when the records or other
8 reports relate to residents of those jurisdictions or persons
9 born outside those jurisdictions. The agreement shall
10 require that the copies be used for statistical purposes only
11 and shall provide for the retention and disposition of
12 copies. Copies received by the state registrar from offices
13 of vital statistics in other states shall be handled in the
14 manner prescribed in this section; and

15 (7) the state registrar shall, upon receipt
16 of a written application from an unaccompanied youth, issue a
17 certified copy of that youth's birth record to the youth,
18 without requiring a signature of an adult.

19 B. A local education agency homeless liaison, a
20 school counselor and a school nurse each have a tangible and
21 direct interest pursuant to Subsection A of this section in a
22 certified copy of the birth record of a homeless child or
23 youth who is enrolled in the local education agency and in a
24 certified copy of the birth record of a younger sibling of a
25 homeless child or youth who is enrolled in the local

1 education agency.

2 C. A social worker in this state has a tangible
3 and direct interest pursuant to Subsection A of this section
4 in a:

5 (1) certified copy of the birth record of a
6 homeless child or youth who is a client of the social worker;
7 and

8 (2) certified copy of the birth record of a
9 younger sibling of a homeless child or youth who is a client
10 of the social worker.

11 D. For the purposes of this section:

12 (1) "homeless child or youth" means an
13 individual who is twenty-five years of age or younger and
14 lacks a fixed, regular and adequate nighttime residence,
15 including an individual who:

16 (a) lives in the housing of another
17 person due to that individual's loss of housing, economic
18 hardship or other reason related to that individual's lack of
19 a fixed residence;

20 (b) lives in a motel, hotel, trailer
21 park or camping ground due to that individual's lack of
22 alternative adequate accommodations;

23 (c) lives in an emergency or
24 transitional shelter;

25 (d) sleeps in a public or private place

1 not designed for or ordinarily used as a regular sleeping
2 accommodation for human beings; or

3 (e) lives in an automobile, a park, a
4 public space, an abandoned building, substandard housing, a
5 bus station, a train station or a similar setting; and

6 (2) "unaccompanied youth" means an
7 individual who is twenty-five years of age or younger, is not
8 in the physical custody of a parent or legal guardian and
9 lacks a fixed, regular and adequate nighttime residence,
10 including an individual who:

11 (a) lives in the housing of another
12 person due to that individual's loss of housing, economic
13 hardship or other reason related to that individual's lack of
14 a fixed residence;

15 (b) lives in a motel, hotel, trailer
16 park or camping ground due to that individual's lack of a
17 fixed residence;

18 (c) lives in an emergency or
19 transitional shelter;

20 (d) sleeps in a public or private place
21 not designed for or ordinarily used as a regular sleeping
22 accommodation for human beings; or

23 (e) lives in an automobile, a park, a
24 public space, an abandoned building, substandard housing, a
25 bus station, a train station or a similar setting."

1 SECTION 2. Section 24-14-29 NMSA 1978 (being Laws 1961,
2 Chapter 44, Section 27, as amended) is amended to read:

3 "24-14-29. FEES FOR COPIES AND SEARCHES.--

4 A. The fee for each search of a vital record to
5 produce a certified copy of a birth certificate shall be ten
6 dollars (\$10.00) and shall include one certified copy of the
7 record, if available. A fee shall not be charged for a
8 certified copy of a birth certificate of a homeless
9 individual.

10 B. The fee for the establishment of a delayed
11 record or for the revision or amendment of a vital record, as
12 a result of an adoption, a legitimation, a correction or
13 other court-ordered change to a vital record, shall be ten
14 dollars (\$10.00). The fee shall include one certified copy
15 of the delayed record.

16 C. The fee for each search of a vital record to
17 produce a copy of a report of spontaneous fetal death or a
18 certificate of still birth shall be five dollars (\$5.00) and
19 shall include one certified copy of the record of fetal
20 death, if available.

21 D. The fee for each search of a vital record to
22 produce a certified copy of a death certificate shall be five
23 dollars (\$5.00) and shall include one certified copy of the
24 record, if available.

25 E. Revenue from the fees imposed in this section

1 shall be distributed as follows:

2 (1) an amount equal to three-fifths of the
3 revenue from the fee imposed by Subsection A of this section,
4 an amount equal to one-half of the revenue from the fee
5 imposed by Subsection B of this section and an amount equal
6 to one-fifth of the revenue from the fee imposed by
7 Subsection D of this section shall be distributed to the day-
8 care fund; and

9 (2) the remainder of the revenue from the
10 fees imposed by Subsections A, B, C and D of this section
11 shall be deposited in the state general fund.

12 F. For the purposes of this section, "homeless
13 individual" means an individual:

14 (1) who lacks a fixed, regular and adequate
15 nighttime residence, including an individual who:

16 (a) lives in the housing of another
17 person due to that individual's loss of housing, economic
18 hardship or other reason related to that individual's lack of
19 a fixed residence;

20 (b) lives in a motel, hotel, trailer
21 park or camping ground due to the lack of alternative
22 adequate accommodations;

23 (c) lives in an emergency or
24 transitional shelter;

25 (d) sleeps in a public or private place

