

HOUSE BILL 91

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Marian Matthews

10 AN ACT

11 RELATING TO RECORDS; PROVIDING AN EXCEPTION TO THE DISCLOSURE
12 OF LAW ENFORCEMENT RECORDS REGARDING THE NOTIFICATION OF A
13 CHANGE IN CAUSE OF DEATH TO A FAMILY MEMBER OF THE DECEASED.

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

SECTION 1. Section 14-2-1.2 NMSA 1978 (being Laws 2023, Chapter 67, Section 3) is amended to read:

"14-2-1.2. LAW ENFORCEMENT RECORDS.--

A. Law enforcement records are public records, except as provided by law and this subsection, and provided that the presence of nonpublic information may be redacted from a written record or digitally obscured in a visual or audio record, including:

(1) before charges are filed, names, addresses, contact information or protected personal identifier

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1 information of individuals who are victims of or non-law-
2 enforcement witnesses to an alleged crime of:
3 (a) assault with intent to commit a
4 violent felony pursuant to Section 30-3-3 NMSA 1978 when the
5 violent felony is criminal sexual penetration;
6 (b) assault against a household member
7 with intent to commit a violent felony pursuant to Section
8 30-3-14 NMSA 1978 when the violent felony is criminal sexual
9 penetration;
10 (c) stalking pursuant to Section 30-3A-3
11 NMSA 1978;
12 (d) aggravated stalking pursuant to
13 Section 30-3A-3.1 NMSA 1978;
14 (e) criminal sexual penetration pursuant
15 to Section 30-9-11 NMSA 1978;
16 (f) criminal sexual contact pursuant to
17 Section 30-9-12 NMSA 1978; or
18 (g) sexual exploitation of children
19 pursuant to Section 30-6A-3 NMSA 1978;
20 (2) before charges are filed, names,
21 addresses, contact information or protected personal identifier
22 information of individuals who are accused but not charged with
23 a crime;
24 (3) visual depiction of a dead body, unless a
25 law enforcement officer, acting in that capacity, caused or is

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1 reasonably alleged or suspected to have caused the death;

2 (4) visual depiction of great bodily harm, as
3 defined in Section 30-1-12 NMSA 1978, or acts of severe
4 violence resulting in great bodily harm, unless a law
5 enforcement officer, acting in that capacity, caused or is
6 reasonably alleged or suspected to have caused the great bodily
7 harm or act of severe violence;

8 (5) visual depiction of an individual's
9 intimate body parts, including the genitals, pubic area, anus
10 or postpubescent female nipple, whether nude or visible through
11 less than opaque clothing;

12 (6) visual or audio depiction of the
13 notification to a member of the public of a family member's
14 death;

15 (7) visual or audio depiction of the
16 notification to a member of the public of a change in cause of
17 death of a family member, without permission of the person who
18 receives the notification;

19 [({7})] (8) confidential sources, methods or
20 information; or

21 [({8})] (9) records pertaining to physical or
22 mental examination and medical treatment of persons unless the
23 information could be relevant to a criminal investigation or an
24 investigation of misfeasance, malfeasance or other suspected
25 violation of law conducted by a person elected to or employed

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1 by a public body.

2 B. A request for release of video or audio shall
3 specify at least one of the following:

4 (1) the computer-aided dispatch record number;
5 (2) the police report number;
6 (3) the date or date range with reasonable
7 specificity and at least one of the following:
8 (a) the name of a law enforcement
9 officer or first responder;
10 (b) the approximate time; or
11 (c) the approximate location; or
12 (4) other criteria established and published
13 by a law enforcement agency to facilitate access to videos.

14 C. Except for confidential sources, methods or
15 information, a request to view video or hear audio on-site of a
16 public body is not subject to the restrictions in Subsections A
17 and B of this section. Any recording or copying of video or
18 audio from such viewing or listening is subject to the
19 restrictions in this section.

20 D. As used in this section, "law enforcement
21 records" includes evidence in any form received or compiled in
22 connection with a criminal investigation or prosecution by a
23 law enforcement or prosecuting agency, including inactive
24 matters or closed investigations to the extent that they
25 contain the information listed in this subsection; provided

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1 that the presence of such information on a law enforcement
2 record does not exempt the record from inspection."

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