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HOUSE BILL 331

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

INTRODUCED BY

Yanira Gurrola and Janelle Anyanonu and Eleanor Chávez

AN ACT

RELATING TO EXPUNGEMENT; AMENDING THE CRIMINAL RECORD  
EXPUNGEMENT ACT; DEFINING "DOMESTIC VIOLENCE CRIME"; PROVIDING  
A PROCESS FOR A PERSON CHARGED WITH A DOMESTIC VIOLENCE CRIME  
TO REQUEST EXPUNGEMENT OF PUBLIC RECORDS AND ARREST RECORDS ANY  
TIME FOLLOWING THE ACQUITTAL OR DISMISSAL WITH PREJUDICE OF THE  
CHARGE; PROVIDING THAT THE EXPUNGEMENT BE COMPLETED WITHIN  
THIRTY DAYS FROM THE DATE OF THE ORDER; PROVIDING THAT A PERSON  
WHO REQUESTS EXPUNGEMENT SHALL NOT BE CHARGED ANY FEES FOR  
SUBMITTING THE REQUEST OR FOR THE EXPUNGEMENT PROCESS; MAKING  
CONFORMING AMENDMENTS.

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

**SECTION 1.** Section 29-3A-2 NMSA 1978 (being Laws 2019,  
Chapter 203, Section 2) is amended to read:

"29-3A-2. DEFINITIONS.--As used in the Criminal Record

1 Expungement Act:

2 A. "arrest records" means records of identification  
3 of a person under arrest or under investigation for a crime  
4 taken or gathered by an official; "arrest records" includes  
5 information gathered from the national crime information center  
6 or another criminal record database, photographs, fingerprints  
7 and booking sheets; except "arrest records" does not include:

8 (1) driving while intoxicated citations  
9 maintained by the taxation and revenue department;

10 (2) computer-aided dispatch information; or

11 (3) log books relating to breath alcohol  
12 testing equipment;

13 B. "domestic violence crime" includes:

14 (1) assault against a household member, as  
15 provided in Section 30-3-12 NMSA 1978;

16 (2) aggravated assault against a household  
17 member, as provided in Section 30-3-13 NMSA 1978;

18 (3) assault against a household member with  
19 intent to commit a violent felony, as provided in Section  
20 30-3-14 NMSA 1978;

21 (4) battery against a household member, as  
22 provided in Section 30-3-15 NMSA 1978;

23 (5) aggravated battery against a household  
24 member, as provided in Section 30-3-16 NMSA 1978;

25 (6) criminal damage to the property of a

1 household member or deprivation of the property of a household  
2 member, as provided in Section 30-3-18 NMSA 1978; and

3 (7) violating an order of protection granted  
4 by a court under the Family Violence Protection Act, as  
5 provided in Section 40-13-6 NMSA 1978;

6 [B-] C. "expungement" means the removal from access  
7 to the general public of a notation of an arrest, complaint,  
8 indictment, information, plea of guilty, conviction, acquittal,  
9 dismissal or discharge record, including a record posted on a  
10 publicly accessible court, corrections or law enforcement  
11 internet website; and

12 [E-] D. "public records" means documentation  
13 relating to a person's arrest, indictment, proceeding, finding  
14 or plea of guilty, conviction, acquittal, dismissal or  
15 discharge, including information posted on a court or law  
16 enforcement website; but "public records" does not include:

17 (1) arrest record information that:

18 (a) reveals confidential sources,  
19 methods, information or individuals accused but not charged  
20 with a crime and that is maintained by the state or any of its  
21 political subdivisions pertaining to any person charged with  
22 the commission of any crime; or

23 (b) is confidential and unlawful to  
24 disseminate or reveal, except as provided in the Arrest Record  
25 Information Act or other law;

1 (2) the file of a district attorney or  
2 attorney general maintained as a confidential record for law  
3 enforcement purposes and not open for inspection by members of  
4 the public;

5 (3) a record maintained by the children, youth  
6 and families department, the [~~human services department~~] health  
7 care authority or the public education department when that  
8 record is confidential under state or federal law and is  
9 required to be maintained by state or federal law for audit or  
10 other purposes; or

11 (4) a record received pursuant to a background  
12 check as authorized by law."

13 SECTION 2. Section 29-3A-4 NMSA 1978 (being Laws 2019,  
14 Chapter 203, Section 4, as amended) is amended to read:

15 "29-3A-4. EXPUNGEMENT OF RECORDS UPON RELEASE WITHOUT  
16 CONVICTION.--

17 A. Except as provided in Section 29-3A-10 NMSA  
18 1978, one year from the date of the final disposition in the  
19 case, a person released without conviction for a violation of a  
20 municipal ordinance, misdemeanor, felony, penalty assessments  
21 under the Criminal Code and the Motor Vehicle Code or  
22 violations and deferred sentences under the Motor Vehicle Code  
23 may petition the district court in the district in which the  
24 charges against the person originated for an order to expunge  
25 arrest records and public records related to that case.

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1           B. A petitioner shall provide notice by first-class  
2 United States mail of the filed petition to the following  
3 parties, which parties shall be given thirty days in which to  
4 provide to the district court any objections to the petition:

5                   (1) the district attorney for that district;  
6 and

7                   (2) the department of public safety.

8           C. A single petition filed pursuant to Subsection A  
9 of this section may include a request to expunge multiple  
10 arrest records and public records that originated within the  
11 jurisdiction of a district. A petition shall be filed under  
12 seal or under pseudonym. Petitions brought pursuant to the  
13 Criminal Record Expungement Act and all records of proceedings  
14 thereunder shall be expunged upon the conclusion of  
15 proceedings. The petitioner shall attach to and file with the  
16 petition copies of the petitioner's record of arrest and  
17 prosecutions from the department of public safety dated no  
18 earlier than ninety days prior to the date the petition is  
19 filed.

20           D. A party that seeks to object to a petition on  
21 the basis of the contents of a petitioner's record of arrest  
22 and prosecutions from the federal bureau of investigation must  
23 provide a copy of that record to a petitioner at no charge at  
24 the time the party objects.

25           E. After a hearing on the petition, the court shall

1 issue an order within thirty days of the hearing requiring that  
2 all arrest records and public records related to the case be  
3 expunged if it finds that no other charge or proceeding is  
4 pending against the petitioner and if the petitioner was  
5 released without a conviction, including:

- 6 (1) an acquittal or finding of not guilty;  
7 (2) a nolle prosequi, a no bill or other  
8 dismissal;  
9 (3) a referral to a preprosecution diversion  
10 program;  
11 (4) an order of conditional discharge pursuant  
12 to Section 31-20-13 NMSA 1978; or  
13 (5) the proceedings were otherwise discharged.

14 F. The court shall cause a copy of the order to be  
15 delivered to all relevant law enforcement agencies and courts.  
16 The order shall prohibit all relevant law enforcement agencies  
17 and courts from releasing copies of the records to any person,  
18 except upon order of the court."

19 SECTION 3. Section 29-3A-7 NMSA 1978 (being Laws 2019,  
20 Chapter 203, Section 7) is amended to read:

21 "29-3A-7. EFFECT OF AN ORDER TO EXPUNGE.--Upon entry [~~an~~  
22 ~~of~~] of an order to expunge, the proceedings shall be treated as  
23 if they never occurred, and officials and the person who  
24 received the order to expunge may reply to an inquiry that no  
25 record exists with respect to the person; provided that arrest

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1 or conviction records shall be disclosed by the person and  
2 officials in connection with any application for or query  
3 regarding qualification for employment or association with any  
4 financial institution regulated by the financial industry  
5 regulatory authority or the securities and exchange commission,  
6 unless the records are arrest records for a domestic violence  
7 crime."

8 SECTION 4. A new section of the Criminal Record  
9 Expungement Act, Section 29-3A-10 NMSA 1978, is enacted to  
10 read:

11 "29-3A-10. [NEW MATERIAL] EXPUNGEMENT OF RECORDS UPON  
12 ACQUITTAL OR DISMISSAL WITH PREJUDICE--DOMESTIC VIOLENCE  
13 CRIMES.--

14 A. A person charged with a domestic violence crime  
15 who is acquitted or whose charge is dismissed with prejudice  
16 may request expungement of all public records and arrest  
17 records related to the person's charge.

18 B. The request for expungement shall be made in  
19 writing to the court that entered the acquittal or dismissal  
20 with prejudice any time after the acquittal or dismissal is  
21 entered.

22 C. Upon receiving a request for expungement, the  
23 court that entered the acquittal or dismissal shall order the  
24 expungement of all public records and arrest records related to  
25 the underlying domestic violence crime within thirty days from

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1 the date of the order and shall cause a copy of the order to be  
2 delivered to all relevant law enforcement agencies and courts.

3 The order shall:

4 (1) prohibit the relevant law enforcement  
5 agencies and courts from releasing copies of the expunged  
6 records to any person, except upon order of the court; and

7 (2) require the relevant law enforcement  
8 agencies and courts to give notice to the court and the person  
9 requesting expungement when expungement is completed.

10 D. A person who requests expungement pursuant to  
11 this section shall not be charged any fees for submitting the  
12 request or for the expungement process."

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