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HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO DATA SHARING; CREATING A CENTRAL REPOSITORY IN THE
NEW MEXICO SENTENCING COMMISSION FOR CRIMINAL JUSTICE AND
CERTAIN BEHAVIORAL HEALTH DATA; ADDING TWO MEMBERS TO THE NEW
MEXICO SENTENCING COMMISSION; AMENDING SECTIONS OF CHAPTER 14,
ARTICLE 6 NMSA 1978, THE MENTAL HEALTH AND DEVELOPMENTAL
DISABILITIES CODE AND THE DETOXIFICATION REFORM ACT TO ALLOW
THE SHARING OF DATA; SPECIFYING THAT PHOTOGRAPHS, FINGERPRINTS
AND PALM PRINTS ARE BIOMETRIC IDENTIFYING INFORMATION OF AN
ARRESTED PERSON; PROVIDING REQUIREMENTS FOR THE CONTENT AND
DISPOSITION OF ARREST RECORDS; REQUIRING THE DEPARTMENT OF
PUBLIC SAFETY TO SHARE DATA WITH THE NEW MEXICO SENTENCING
COMMISSION; MAKING AN APPROPRIATION.

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

SECTION 1. Section 9-3-10 NMSA 1978 (being Laws 1977,

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1 Chapter 257, Section 11, as amended) is amended to read:

2 "9-3-10. NEW MEXICO SENTENCING COMMISSION--CREATION--
3 MEMBERSHIP--DUTIES.--

4 A. There is created the "New Mexico sentencing
5 commission".

6 B. The New Mexico sentencing commission shall be
7 composed of [~~twenty-four~~] twenty-seven members. Appointed
8 members shall serve at the pleasure of the appointing
9 authority. The commission shall reflect reasonable
10 geographical and urban-rural balances and regard for the
11 incidence of crime and the distribution and concentration of
12 law enforcement services in the state. The commission shall
13 consist of the following individuals or their designees:

14 (1) the attorney general;

15 (2) a district attorney appointed by the New
16 Mexico district [~~attorneys~~] attorney's association [~~of New~~
17 ~~Mexico~~] or its successor agency;

18 (3) the chief public defender;

19 (4) two district court judges, one of whom
20 shall be a children's court judge, appointed by the district
21 [~~court judge's~~] and metropolitan judges association [~~of New~~
22 ~~Mexico~~] or its successor agency;

23 (5) a magistrate judge [~~from the court of~~
24 ~~appeals~~] appointed by the chief [~~judge of the court of appeals~~]
25 justice of the supreme court;

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1 (6) the dean of the university of New Mexico
2 school of law;

3 (7) the secretary of corrections;

4 (8) the secretary of public safety;

5 (9) the secretary of children, youth and
6 families;

7 (10) the secretary of public education;

8 (11) a representative from the behavioral
9 health services division of the human services department who
10 shall contribute expertise and information regarding behavioral
11 health issues of persons in the criminal justice system;

12 [~~(11)~~] (12) a county sheriff appointed by the
13 executive director of [~~the~~] New Mexico [~~association of~~]
14 counties;

15 [~~(12)~~] (13) two public members appointed by
16 the governor, one of whom shall be designated as chair of the
17 New Mexico sentencing commission by the governor;

18 [~~(13)~~] (14) three public members appointed by
19 the president pro tempore of the senate;

20 (15) one public member appointed by the
21 minority floor leader of the senate;

22 [~~(14)~~] (16) three public members appointed by
23 the speaker of the house of representatives;

24 (17) one public member appointed by the
25 minority floor leader of the house of representatives;

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1 [~~(15)~~] (18) two public members appointed by
2 the chief justice of the supreme court;

3 [~~(16)~~] (19) one public member who is Native
4 American and a practicing attorney, appointed by the president
5 of the state bar association; and

6 [~~(17)~~] (20) one public member appointed by the
7 governor who is a representative of a New Mexico [~~victim~~]
8 victims' organization.

9 C. A majority of the members of the New Mexico
10 sentencing commission constitutes a quorum for the transaction
11 of commission business.

12 D. The New Mexico sentencing commission shall:

13 (1) hold meetings at times and for periods as
14 the commission deems necessary;

15 (2) hire staff as needed to assist the
16 commission in the performance of its duties;

17 (3) prepare an annual budget;

18 (4) establish policies for the operation of
19 the commission and supervision of the activities of commission
20 staff;

21 (5) advise the executive, judicial and
22 legislative branches of government on policy matters relating
23 to criminal and juvenile justice;

24 (6) make recommendations to the legislature
25 concerning proposed changes to laws relating to the criminal

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1 and juvenile justice systems that the commission determines
2 would improve those systems;

3 (7) annually assess, monitor and report to the
4 legislature on the impact of any enacted sentencing standards
5 and guidelines on state and local correctional resources and
6 programs and the need for further sentencing reform;

7 (8) when developing proposed sentencing
8 reform:

9 (a) study sentencing models in other
10 jurisdictions;

11 (b) study the Criminal Sentencing Act,
12 the Criminal Code and all other New Mexico statutes relating to
13 criminal law, criminal sentencing, criminal procedure and
14 probation and parole;

15 (c) review past studies or reports
16 regarding proposed changes to the Children's Code, the Criminal
17 Code, the Criminal Sentencing Act or other New Mexico statutes
18 relating to criminal law, criminal sentencing, criminal
19 procedure or probation and parole;

20 (d) study past and current criminal
21 sentencing and release practices and create a statistical
22 database for simulating the impact of various sentencing
23 policies;

24 (e) study the full range of prison,
25 nonprison and intermediate sanctions;

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1 (f) determine the principal purpose for
2 criminal sanctions;

3 (g) rank criminal offenses by degree of
4 seriousness;

5 (h) determine the role of criminal
6 history in making criminal sentencing decisions;

7 (i) define dispositional policy that
8 determines when adult felony offenders are confined in state
9 prisons and county jails or sentenced to nonprison and
10 intermediate sanctions;

11 (j) establish the length of criminal
12 sentences;

13 (k) establish the appropriate use of
14 community service and fines;

15 (l) structure proposed sentencing
16 guidelines to ensure consistency in all aspects of criminal
17 sentencing policy;

18 (m) assess the impact of commission
19 recommendations to modify criminal sentencing policy on the
20 availability of and need for correctional resources and
21 programs;

22 (n) use the expertise of a national or
23 state organization with experience in sentencing reform; and

24 (o) present proposed legislation or
25 recommendations regarding sentencing reform to the appropriate

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1 legislative interim committee;

2 (9) monitor any enacted sentencing guidelines
3 with respect to uniformity and proportionality;

4 (10) conduct research relating to the use and
5 effectiveness of any enacted guidelines, prosecution standards,
6 offense charging, plea bargaining, sentencing practices,
7 probation and parole practices and any other matters relating
8 to the criminal justice system;

9 (11) serve as a clearinghouse for the
10 systematic collection, analysis and dissemination of
11 information relating to felony offense charges, plea
12 agreements, convictions, sentences imposed, incarceration time
13 actually served and actual and projected inmate population in
14 the state correctional system;

15 (12) review all proposed legislation that
16 creates a new criminal offense, changes the classification of
17 an offense or changes the range of punishments for an offense
18 and make recommendations to the legislature as to whether
19 proposed changes would improve the criminal and juvenile
20 justice system; ~~and~~

21 (13) create and serve as a central criminal
22 justice data repository to receive, store, maintain, analyze
23 and disseminate criminal justice and behavioral health data for
24 the purpose of evaluating criminal justice systems and programs
25 and supporting, encouraging and accomplishing information

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1 sharing among criminal justice and behavioral health agencies
2 and criminal justice coordinating councils;

3 (14) monitor the flow of criminal justice and
4 behavioral health data and the effectiveness of information
5 sharing among criminal justice and behavioral health agencies
6 and criminal justice coordinating councils, issue reports
7 highlighting deficiencies in data reporting or transmission and
8 consult with agencies to correct deficiencies;

9 (15) provide data analysis as requested by
10 criminal justice and behavioral health agencies and criminal
11 justice coordinating councils; and

12 [~~13~~] (16) contingent upon the availability
13 of funding, provide impact estimates, incorporating prison
14 population projections, on all proposed legislation that has
15 the potential to affect correctional resources.

16 E. The members of the New Mexico sentencing
17 commission shall be paid pursuant to the Per Diem and Mileage
18 Act and shall receive no other perquisite, compensation or
19 allowance.

20 F. The New Mexico sentencing commission is
21 administratively attached to the office of the governor."

22 SECTION 2. Section 14-6-1 NMSA 1978 (being Laws 1971,
23 Chapter 137, Section 1, as amended) is amended to read:

24 "14-6-1. HEALTH INFORMATION--CONFIDENTIALITY--IMMUNITY
25 FROM LIABILITY FOR FURNISHING.--

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1 A. All health information that relates to and
2 identifies specific individuals as patients is strictly
3 confidential and shall not be a matter of public record or
4 accessible to the public even though the information is in the
5 custody of or contained in the records of a governmental agency
6 or its agent, a state educational institution, a duly organized
7 state or county association of licensed physicians or dentists,
8 a licensed health facility or staff committees of such
9 facilities.

10 B. A custodian of information classified as
11 confidential in Subsection A of this section may furnish the
12 information upon request to any of the following recipients,
13 and the custodian furnishing the information shall not be
14 liable for damages to any person for having furnished the
15 information:

16 (1) a governmental agency or its agent;

17 (2) a state educational institution;

18 (3) a duly organized state or county

19 association of licensed physicians or dentists;

20 (4) a licensed health facility or staff
21 committees of such facilities [~~and the custodian furnishing the~~
22 ~~information shall not be liable for damages to any person for~~
23 ~~having furnished the information]; or~~

24 (5) the New Mexico sentencing commission.

25 C. Statistical studies and research reports based

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1 upon confidential information may be published or furnished to
2 the public, but these studies and reports shall not in any way
3 identify individual patients directly or indirectly ~~[nor]~~ or in
4 any way violate the privileged or confidential nature of the
5 relationship and communications between practitioner and
6 patient.

7 D. This section does not affect the status of
8 original medical records of individual patients, and the rules
9 of confidentiality and accessibility applicable to these
10 records continue in force. This section does not affect the
11 status of vital statistical records of the department of health
12 ~~[and environment department]~~."

13 SECTION 3. Section 29-3-8 NMSA 1978 (being Laws 1978,
14 Chapter 87, Section 1, as amended) is amended to read:

15 "29-3-8. ~~[FINGERPRINT AND PALM PRINT IMPRESSIONS]~~
16 BIOMETRIC IDENTIFYING INFORMATION OF PERSONS ARRESTED--STATE
17 ARREST RECORDS--DISPOSITION.--

18 A. A ~~[person arrested for]~~ booking facility shall
19 collect biometric identifying information prior to release from
20 a person arrested for:

21 (1) the commission of a criminal offense
22 amounting to a felony ~~[under the laws of this state or any~~
23 ~~other jurisdiction shall be required by the arresting peace~~
24 ~~officer or the jail to make fingerprint and palm print~~
25 ~~impressions prior to the person's release. The arresting peace~~

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1 ~~officer or the jail shall obtain fingerprint and palm print~~
2 ~~impressions and a photograph];~~

3 (2) the commission of a criminal offense not
4 amounting to a felony but punishable by imprisonment for more
5 than six months under the laws of the state or a political
6 subdivision of the state; or

7 (3) the violation of a provision of Section
8 66-8-102 NMSA 1978 or the violation of a municipal or county
9 ordinance prescribing criminal penalties for driving while
10 under the influence of intoxicating liquor or drugs.

11 B. Biometric identifying information shall be
12 obtained each time a person is arrested.

13 C. At the time [of fingerprinting and palm
14 printing] biometric identifying information is collected, the
15 booking facility shall create an arrest record with a state
16 arrest tracking number [shall be assigned to the fingerprint
17 and palm print records and the booking sheet.

18 ~~B. A person arrested for the commission of a~~
19 ~~criminal offense not amounting to a felony but punishable by~~
20 ~~imprisonment for more than six months under the laws of this~~
21 ~~state or any political subdivision shall be required by the~~
22 ~~arresting peace officer or the jail to make fingerprint and~~
23 ~~palm print impressions prior to the person's release. The~~
24 ~~arresting peace officer or the jail shall obtain fingerprint~~
25 ~~and palm print impressions and a photograph each time a person~~

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1 ~~is arrested. At the time of fingerprinting and palm printing,~~
2 ~~a state tracking number shall be assigned to the fingerprint~~
3 ~~and palm print records and the booking sheet.~~

4 G. ~~A person arrested for violating a provision of~~
5 ~~Section 66-8-102 NMSA 1978 or committing a violation of a~~
6 ~~municipal or county ordinance prescribing criminal penalties~~
7 ~~for driving while under the influence of intoxicating liquor or~~
8 ~~drugs shall be required by the arresting peace officer or the~~
9 ~~jail to make fingerprint and palm print impressions prior to~~
10 ~~the person's release. The arresting peace officer or the jail~~
11 ~~shall obtain fingerprint and palm print impressions and a~~
12 ~~photograph each time a person is arrested. At the time of~~
13 ~~fingerprinting and palm printing, a state tracking number shall~~
14 ~~be assigned to the fingerprint and palm printing records and~~
15 ~~the booking sheet.~~

16 D. ~~Fingerprint and palm print impressions shall be~~
17 ~~made pursuant to rules adopted by the department. Fingerprint~~
18 ~~and palm print record submission policies and a state tracking~~
19 ~~number system for fingerprint and palm print records shall be~~
20 ~~implemented pursuant to rules adopted by the department. All~~
21 ~~felony, misdemeanor and DWI arrest fingerprints and palm prints~~
22 ~~shall be made in duplicate. Both copies and a photograph of~~
23 ~~the person arrested shall be forwarded to the department within~~
24 ~~five days following the date of arrest.] provided by the~~
25 ~~department. The arrest record shall include:~~

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- 1 (1) the date of arrest;
2 (2) the state arrest tracking number assigned
3 to the arrest record;
4 (3) the state personal identification number
5 assigned to the arrestee by the department;
6 (4) the arrestee's biometric identifying
7 information; and
8 (5) a completed description with charge code
9 of each offense charged.

10 D. The department shall promulgate rules
11 addressing:

- 12 (1) collection of biometric identifying
13 information;
14 (2) submission of biometric identifying
15 information;
16 (3) creation of a state personal
17 identification number system to identify a person arrested and
18 charged with a crime and ensure that the same state personal
19 identification number is assigned to the person regardless of
20 the number of times the person is arrested or the location of
21 the arrest within the state; and
22 (4) creation of a state arrest tracking number
23 system for each arrest record.

24 E. At booking, the booking site shall immediately
25 forward the arrest record and any other information required by

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1 department rule to the department.

2 F. The department shall [~~forward one copy~~]
3 immediately provide the:

4 (1) biometric identifying information to the
5 federal bureau of investigation in Washington, D.C.;

6 (2) state personal identification number to
7 agencies at all levels of government that are engaged in the
8 apprehension, prosecution or defense, adjudication,
9 incarceration or rehabilitation of criminal offenders;

10 (3) arrest record to the administrative office
11 of the district attorneys for submission to the appropriate
12 prosecuting authority;

13 (4) arrest record to agencies at all levels of
14 government that are engaged in the apprehension, prosecution or
15 defense, adjudication, incarceration or rehabilitation of
16 criminal offenders; and

17 (5) arrest record to those government agencies
18 that collect, store, disseminate or use criminal offender
19 record information for research purposes.

20 [~~E.~~] G. Biometric identifying information shall be
21 collected from an inmate who is charged with a felony or
22 misdemeanor offense while incarcerated [~~shall be fingerprinted,~~
23 ~~palm printed and photographed~~], and the jail or corrections
24 facility shall forward the offender's [~~fingerprint and palm~~
25 ~~print records and photograph~~] biometric identifying information

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1 to the department.

2 [F-] H. The administrative office of the courts
3 shall provide to the department the disposition of all criminal
4 cases assigned a state arrest tracking number. The disposition
5 shall be provided in electronic format, promptly upon the
6 conclusion of the case.

7 [G-] I. The administrative office of the district
8 attorneys shall provide to the department the disposition of
9 all criminal cases assigned a state arrest tracking number when
10 the district attorney decides not to file charges in the case.
11 The disposition shall be provided in electronic format promptly
12 upon a district attorney's decision not to file charges in the
13 case.

14 J. The department shall forward the disposition of
15 all criminal cases to the federal bureau of investigation and
16 the national crime information center within five business days
17 of receipt.

18 [H-] K. Law enforcement agencies, the
19 administrative office of the courts and the administrative
20 office of the district attorneys [~~may~~] shall allow the
21 department and the New Mexico sentencing commission access to
22 their records for the purpose of auditing those records to
23 ensure compliance with the provisions of this section.

24 L. As used in this section:

25 (1) "biometric identifying information" means

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1 physical characteristics used in verifying the identity of an
2 individual, including photographs, fingerprint impressions and
3 palm print impressions;

4 (2) "charge code" means the unique code
5 assigned to the crime from the master charge code table
6 distributed by the New Mexico justice information sharing
7 council;

8 (3) "state arrest tracking number" means an
9 incident-based unique number assigned to the arrest; and

10 (4) "state personal identification number"
11 means a unique number assigned to the arrestee based on the
12 arrestee's biometric identifying information."

13 SECTION 4. Section 29-3-11 NMSA 1978 (being Laws 2007,
14 Chapter 37, Section 1) is amended to read:

15 "29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--
16 DUTIES OF DEPARTMENT.--

17 A. The department of public safety shall develop,
18 operate and maintain a uniform crime reporting system and shall
19 be the central repository for the collection, storage,
20 retrieval and analysis of crime incident and arrest reports
21 generated by all law enforcement agencies in this state. The
22 system shall be operational as of January 1, 2008.

23 B. The department shall:

24 (1) compile statistical data and forward such
25 data as required to the federal bureau of investigation or the

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1 appropriate department of justice agency in accordance with
2 standards and procedures of the national system;

3 (2) provide forms, standards and procedures
4 and related training to state and local law enforcement
5 agencies as necessary for the agencies to report incident and
6 arrest activity for inclusion in the statewide system;

7 (3) in conjunction with the New Mexico
8 sentencing commission, annually publish a report on the nature
9 and extent of crime in New Mexico and submit the report to the
10 governor and to the legislature;

11 (4) maintain the privacy and security of
12 information in accordance with applicable state and federal
13 laws; ~~and~~

14 (5) provide the New Mexico sentencing
15 commission access to the data collected and maintained by the
16 department; and

17 [~~5~~] (6) establish rules as necessary to
18 implement the provisions of this section.

19 C. Every law enforcement agency in the state shall:

20 (1) submit crime incident reports to the
21 department of public safety on forms or in the format
22 prescribed by the department;

23 (2) submit any other crime incident
24 information as may be required by the department of public
25 safety; and

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1 (3) use the [~~state uniform statutory charge~~
2 ~~codes~~] unique code assigned to the crime from the master charge
3 code table distributed by the New Mexico justice information
4 sharing council for the automated fingerprint identification
5 system and use uniform crime incident reporting as provided by
6 the department for all incidents and arrests.

7 D. The annual report and other statistical data
8 reports generated by the department shall be made available to
9 state and local law enforcement agencies and the general
10 public."

11 SECTION 5. Section 43-1-19 NMSA 1978 (being Laws 1977,
12 Chapter 279, Section 18, as amended) is amended to read:

13 "43-1-19. DISCLOSURE OF INFORMATION.--

14 A. Except as otherwise provided in the code, no
15 person shall, without the authorization of the client, disclose
16 or transmit any confidential information from which a person
17 well acquainted with the client might recognize the client as
18 the described person, or any code, number or other means that
19 can be used to match the client with confidential information
20 regarding the client.

21 B. Authorization from the client shall not be
22 required for the disclosure or transmission of confidential
23 information in the following circumstances:

24 (1) when the request is from a mental health
25 or developmental [~~disability~~] disabilities professional or from

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1 an employee or trainee working with a person with a mental
2 disability or developmental disability, to the extent that the
3 practice, employment or training on behalf of the client
4 requires access to such information is necessary;

5 (2) when such disclosure is necessary to
6 protect against a clear and substantial risk of imminent
7 serious physical injury or death inflicted by the client on the
8 client's self or another;

9 (3) when the disclosure is made pursuant to
10 the provisions of the Assisted Outpatient Treatment Act, using
11 reasonable efforts to limit protected health information to
12 that which is minimally necessary to accomplish the intended
13 purpose of the use, disclosure or request;

14 (4) when the disclosure of such information is
15 to the primary caregiver of the client and the disclosure is
16 only of information necessary for the continuity of the
17 client's treatment in the judgment of the treating physician or
18 certified psychologist who discloses the information; ~~[or]~~

19 (5) when such disclosure is to an insurer
20 contractually obligated to pay part or all of the expenses
21 relating to the treatment of the client at the residential
22 facility. The information disclosed shall be limited to data
23 identifying the client, facility and treating or supervising
24 physician and the dates and duration of the residential
25 treatment. It shall not be a defense to an insurer's

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1 obligation to pay that the information relating to the
2 residential treatment of the client, apart from information
3 disclosed pursuant to this section, has not been disclosed to
4 the insurer; or

5 (6) when the disclosure is made to the New
6 Mexico sentencing commission; provided that any statistical
7 study or research report based upon this data that is made
8 available to the public shall not in any way identify
9 individual clients directly or indirectly nor in any way
10 violate the privileged or confidential nature of the
11 relationship and communications between a physician, mental
12 health professional or developmental disabilities professional
13 and the client.

14 C. No authorization given for the transmission or
15 disclosure of confidential information shall be effective
16 unless it:

17 (1) is in writing and signed; and

18 (2) contains a statement of the client's right
19 to examine and copy the information to be disclosed, the name
20 or title of the proposed recipient of the information and a
21 description of the use that may be made of the information.

22 D. The client has a right of access to confidential
23 information and has the right to make copies of any information
24 and to submit clarifying or correcting statements and other
25 documentation of reasonable length for inclusion with the

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1 confidential information. The statements and other
2 documentation shall be kept with the relevant confidential
3 information, shall accompany it in the event of disclosure and
4 shall be governed by the provisions of this section to the
5 extent they contain confidential information. Nothing in this
6 subsection shall prohibit the denial of access to such records
7 when a physician or other mental health or developmental
8 disabilities professional believes and notes in the client's
9 medical records that such disclosure would not be in the best
10 interests of the client. In any such case, the client has the
11 right to petition the court for an order granting such access.

12 E. Where there exists evidence that the client
13 whose consent to disclosure of confidential information is
14 sought is incapable of giving or withholding valid consent and
15 the client does not have a guardian or treatment guardian
16 appointed by a court, the person seeking such authorization
17 shall petition the court for the appointment of a treatment
18 guardian to make a substitute decision for the client, except
19 that if the client is less than fourteen years of age, the
20 client's parent or guardian is authorized to consent to
21 disclosure on behalf of the client.

22 F. Information concerning a client disclosed under
23 this section shall not be released to any other person, agency
24 or governmental entity or placed in files or computerized data
25 banks accessible to any persons not otherwise authorized to

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1 obtain information under this section.

2 G. Nothing in the code shall limit the
3 confidentiality rights afforded by federal statute or
4 regulation.

5 H. A person appointed as a treatment guardian in
6 accordance with the Mental Health and Developmental
7 Disabilities Code may act as the client's personal
8 representative pursuant to the federal Health Insurance
9 Portability and Accountability Act of 1996, Sections
10 1171-1179 of the Social Security Act, 42 U.S.C. Section 1320d,
11 as amended, and applicable federal regulations to obtain access
12 to the client's protected health information, including mental
13 health information and relevant physical health information,
14 and may communicate with the client's health care providers in
15 furtherance of such treatment."

16 SECTION 6. Section 43-2-11 NMSA 1978 (being Laws 1949,
17 Chapter 114, Section 9, as amended) is amended to read:

18 "43-2-11. VOLUNTARY CLIENTS.--

19 A. The administration of a treatment facility may
20 receive any intoxicated person, alcohol-impaired person or
21 drug-impaired person who applies to be received as a client
22 into the facility. If the voluntary client is:

23 (1) intoxicated, the client shall be
24 discharged pursuant to Subsection E of Section 43-2-8 NMSA
25 1978; or

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1 (2) not intoxicated, the client shall be
2 discharged at the request of the client or, in the absence of
3 such a request, at the discretion of the administration.

4 B. If a voluntary client leaves a treatment
5 facility with or against the advice of the administration in
6 charge of the facility, the department shall make reasonable
7 provisions for the client's transportation to another facility
8 or to the client's home.

9 C. A client who voluntarily submits [~~himself for~~]
10 to treatment in accordance with the Detoxification Reform Act
11 shall not forfeit or abridge thereby any of the client's
12 rights. The fact that the client has submitted [~~himself for~~]
13 to treatment or that the client has been given help or guidance
14 shall not be used against the client in any proceeding in any
15 court. The record of the voluntary commitment shall be
16 confidential and shall not be divulged except in the following
17 circumstances:

18 (1) on order of the court; [~~or~~]

19 (2) when the disclosure is made to the New
20 Mexico sentencing commission; provided that any statistical
21 study or research report based upon this data that is made
22 available to the public shall not in any way identify
23 individual clients directly or indirectly nor in any way
24 violate the privileged or confidential nature of the
25 relationship and communications between a physician, mental

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1 health professional or developmental disabilities professional
2 and the client; or

3 (3) upon receipt of a waiver and release duly
4 executed by the client volunteering for commitment."

5 SECTION 7. APPROPRIATION.--One million five hundred
6 thousand dollars (\$1,500,000) is appropriated from the general
7 fund to the New Mexico sentencing commission for expenditure in
8 fiscal years 2020 and subsequent fiscal years to establish a
9 central criminal justice data repository. Any unexpended or
10 unencumbered balance remaining at the end of a fiscal year
11 shall not revert to the general fund.

12 SECTION 8. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2019.