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## FISCAL IMPACT REPORT

SPONSOR: Jennings DATE TYPED: 02/08/01 HB \_\_\_\_\_  
 SHORT TITLE: Right of Privacy Violations SB 290  
 ANALYST: Rael

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative		Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
 Public Defender (PD)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

The Right of Privacy Violations bill would prohibit a person from asking for fingerprints for identification purposes except for:

1. Law enforcement officials for criminal investigations or prosecutions.
2. Background checks for applicants and employees when required by law.
3. Financial institutions for identification purposes, provided they require no compensation.

The bill would also prohibit a person from maintaining a list or log of people by activities that are protected by the First Amendment to the US Constitution or Article 2, Section 7 of the New Mexico Constitution. A person who violates this provisions would be charged with a fourth degree felony.

A person who violates either section may be subject to a civil action and punitive damages up to \$10.0.

### FISCAL IMPLICATIONS

See Administrative Implications.

**ADMINISTRATIVE IMPLICATIONS**

It will cost the judicial information system \$400 for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions.

**TECHNICAL ISSUES**

Amend B(2) to include “state professional license applicants”.

**OTHER SUBSTANTIVE ISSUES**

Fingerprinting has been largely held by courts to not be a violation of a person’s constitutional right to privacy.

Both California and New York have experimented with fingerprinting programs in an effort to prevent welfare fraud. This bill would prohibit such a program in New Mexico.

FAR/njw