

AN ACT

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RELATING TO PUBLIC RECORDS; AMENDING THE INSPECTION OF PUBLIC
RECORDS ACT TO PROVIDE AN EXCEPTION FOR CERTAIN PUBLIC RECORDS
THAT COULD BE USED TO FACILITATE THE PLANNING OR EXECUTION OF A
TERRORIST ATTACK.

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

Section 1. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130,
Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.-- A.

Every person has a right to inspect public records of this state except:

(1) records pertaining to physical or mental examinations and
medical treatment of persons confined to an institution;

(2) letters of reference concerning employment, licensing or
permits;

(3) letters or memorandums that are matters of opinion in
personnel files or students' cumulative files;

(4) law enforcement records that reveal confidential sources,
methods, information or individuals accused but not charged with a crime. Law
enforcement records include evidence in any form received or compiled in connection
with a criminal investigation or prosecution by a law enforcement or prosecuting
agency, including inactive matters or closed investigations to the extent that they
contain the information listed above;

(5) as provided by the Confidential Materials Act;

(6) trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting;

(7) public records containing the identity of or identifying information relating to an applicant or nominee for the position of president of a public institution of higher education;

(8) tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack; and

(9) as otherwise provided by law.

B. At least twenty-one days before the date of the meeting of the governing board of a public institution of higher education at which final action is taken on selection of the person for the position of president of the institution, the governing board shall give public notice of the names of the finalists being considered for the position. The board shall consider in the final selection process at least five finalists. The required notice shall be given by publication in a newspaper of statewide circulation and in a newspaper of county-wide circulation in the county in which the institution is located. Publication shall be made once and shall occur at least twenty-one days and not more than thirty days before the described meeting.

C. Postponement of a meeting described in Subsection B of this section for which notice has been given does not relieve the governing body from the requirement of giving notice of a rescheduled meeting in accordance with the provisions of Subsection B of this section.

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D. Action taken by a governing body without compliance with the notice requirements of Subsections B and C of this section is void.

E. Nothing in Subsections B through D of this section prohibits a governing body from identifying or otherwise disclosing the information described in this section."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, ~~2024~~ ²⁰²⁵