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HOUSE BILL 449

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Debbie A. Rodella

FOR THE INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR DATABASE INFORMATION  
OF COUNTIES AND MUNICIPALITIES AS PUBLIC RECORDS.

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

Section 1. Section 14-3-18 NMSA 1978 (being Laws 1963,  
Chapter 186, Section 2, as amended) is amended to read:

"14-3-18. COUNTY AND MUNICIPAL RECORDS--COPY FEES--  
COMPUTER DATABASES--CRIMINAL PENALTY. --

A. The administrator may advise and assist county  
and municipal officials in the formulation of programs for the  
disposition of public records maintained in county and  
municipal offices.

B. Except as otherwise provided by federal or state  
law, information contained in information systems databases  
shall be a public record and shall be subject to disclosure in

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1 printed or typed format by a county or municipality that has  
2 inserted that information into the database, in accordance with  
3 the Public Records Act, upon the payment of a reasonable fee  
4 for the service.

5 C. The administrator may recommend to the  
6 commission the procedures, schedules and technical standards  
7 for the retention of computer databases.

8 D. A county or municipality that has inserted data  
9 in a database may authorize a copy to be made of a computer  
10 tape or other medium containing a computerized database of a  
11 public record for any person if the person agrees:

12 (1) not to make unauthorized copies of the  
13 database;

14 (2) not to use the database for any political  
15 or commercial purpose unless the purpose and use is approved in  
16 writing by the county or municipality that created the  
17 database;

18 (3) not to use the database for solicitation  
19 or advertisement when the database contains the name, address  
20 or telephone number of any person unless such use is otherwise  
21 specifically authorized by law;

22 (4) not to allow access to the database by any  
23 other person unless the use is approved in writing by the  
24 county or municipality that created the database; and

25 (5) to pay a royalty or other consideration to

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1 the county or municipality as may be agreed upon by the county  
2 or municipality that created the database, and the county or  
3 municipality may base its determination of the royalty or other  
4 consideration on the cost to the public of developing the  
5 database.

6 E. If more than one county or municipality is  
7 responsible for the information inserted in the database, the  
8 counties or municipalities may enter into an agreement.

9 F. Subject to any confidentiality provisions of  
10 law, any county or municipality may permit another county or  
11 municipality access to all or any portion of a computerized  
12 database created by a county or municipality.

13 G. If information contained in a database is  
14 searched, manipulated or retrieved or a copy of the database is  
15 made for any private or nonpublic use, a fee shall be charged  
16 by the county or municipality permitting access or use of the  
17 database.

18 H. Except as authorized by law or rule of the  
19 commission, any person who reveals to any unauthorized person  
20 information contained in a computer database or who uses or  
21 permits the unauthorized use or access of any computer database  
22 is guilty of a misdemeanor, and upon conviction the court shall  
23 sentence that person to jail for a definite term not to exceed  
24 one year or to payment of a fine not to exceed five thousand  
25 dollars (\$5,000) or both. That person shall not be employed by

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the state for a period of five years after the date of conviction. "