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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underscored material = new
[bracketed material] = delete

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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1   the state for a period of five years after the date of

2   conviction."

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