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SENATE BILL 102

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING PALM PRINTS OF PERSONS
ARRESTED.

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

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

"29-3-8. [~~FINGERPRINTING~~] FINGERPRINT AND PALM PRINT
IMPRESSIONS OF PERSONS ARRESTED--DISPOSITION.--

A. A person arrested for the commission of a
criminal offense amounting to a felony under the laws of this
state or any other jurisdiction shall be required by the
arresting peace officer or the jail to make fingerprint and
palm print impressions prior to the person's release. The
arresting peace officer or the jail shall obtain fingerprint
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 B. A person arrested for the commission of a
5 criminal offense not amounting to a felony but punishable by
6 imprisonment for more than six months under the laws of this
7 state or any political subdivision shall be required by the
8 arresting peace officer or the jail to make fingerprint and
9 palm print impressions prior to the person's release. The
10 arresting peace officer or the jail shall obtain fingerprint
11 and palm print impressions and a photograph each time a person
12 is arrested. At the time of fingerprinting and palm printing,
13 a state tracking number shall be assigned to the fingerprint
14 and palm print records and the booking sheet.

15 C. A person arrested for violating a provision of
16 Section 66-8-102 NMSA 1978 or committing a violation of a
17 municipal or county ordinance prescribing criminal penalties
18 for driving while under the influence of intoxicating liquor or
19 drugs shall be required by the arresting peace officer or the
20 jail to make fingerprint and palm print impressions prior to
21 the person's release. The arresting peace officer or the jail
22 shall obtain fingerprint and palm print impressions and a
23 photograph each time a person is arrested. At the time of
24 fingerprinting and palm printing, a state tracking number shall
25 be assigned to the fingerprint and palm printing records and

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1 the booking sheet.

2 D. Fingerprint and palm print impressions shall be
3 made pursuant to rules adopted by the department. Fingerprint
4 and palm print record submission policies and a state tracking
5 number system for fingerprint and palm print records shall be
6 implemented pursuant to rules adopted by the department. All
7 felony, misdemeanor and DWI arrest fingerprints and palm prints
8 shall be made in duplicate. Both copies and a photograph of
9 the person arrested shall be forwarded to the department within
10 five days following the date of arrest. The department shall
11 forward one copy to the federal bureau of investigation in
12 Washington, D.C.

13 E. An inmate who is charged with a felony or
14 misdemeanor offense while incarcerated shall be fingerprinted,
15 palm printed and photographed, and the jail or corrections
16 facility shall forward the offender's fingerprint and palm
17 print records and photograph to the department.

18 F. The administrative office of the courts shall
19 provide to the department the disposition of all criminal cases
20 assigned a state tracking number. The disposition shall be
21 provided in electronic format, promptly upon the conclusion of
22 the case.

23 G. The administrative office of the district
24 attorneys shall provide to the department the disposition of
25 all criminal cases assigned a state tracking number, when the

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1 district attorney decides not to file charges in the case. The
2 disposition shall be provided in electronic format, promptly
3 upon a district attorney's decision not to file charges in the
4 case.

5 H. Law enforcement agencies, the administrative
6 office of the courts and the administrative office of the
7 district attorneys may allow the department access to their
8 records for the purpose of auditing those records to ensure
9 compliance with the provisions of this section."

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