

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 422

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

AN ACT

RELATING TO EDUCATION; PROHIBITING PUBLIC AND PRIVATE  
INSTITUTIONS OF POST-SECONDARY EDUCATION FROM REQUESTING OR  
REQUIRING A STUDENT, APPLICANT OR POTENTIAL APPLICANT FOR  
ADMISSION TO PROVIDE A PASSWORD OR ACCESS TO THE SOCIAL  
NETWORKING ACCOUNT OF THE STUDENT OR APPLICANT FOR ADMISSION.

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

**SECTION 1. REQUEST FOR ACCESS TO SOCIAL NETWORKING  
ACCOUNT PROHIBITED.--**

A. It is unlawful for a public or private  
institution of post-secondary education to request or require a  
student, applicant or potential applicant for admission to  
provide a password to gain access to the student's, applicant's  
or potential applicant's account or profile on a social  
networking web site or to demand access in any manner to a

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1 student's, applicant's or potential applicant's account or  
2 profile on a social networking web site.

3 B. It is unlawful for public or private  
4 institutions of higher education to deny admission to an  
5 applicant or potential applicant for admission on the basis of  
6 the applicant's or potential applicant's refusal to provide an  
7 agent of a public or private institution of higher education  
8 access to the applicant's or potential applicant's account or  
9 profile on a social media networking site.

10 C. It is unlawful for a private or public  
11 institution of higher education to take any disciplinary action  
12 against a student for the student's refusal to grant access to  
13 an agent of the private or public institution of higher  
14 education to the student's account or profile on a social media  
15 networking site.

16 D. Nothing in this section prohibits a public or  
17 private institution of post-secondary education from obtaining  
18 information about a student, applicant or potential applicant  
19 for admission that is in the public domain.

20 E. As used in this section, "social networking web  
21 site" means an internet-based service that allows individuals  
22 to:

23 (1) construct a public or semi-public profile  
24 within a bounded system created by the service;

25 (2) create a list of other users with whom

1 they share a connection within the system; and

2 (3) view and navigate their list of  
3 connections and those made by others within the system.

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