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AN ACT
RELATING TO PUBLIC RECORDS; PROTECTING THE CONFIDENTIALITY OF
CERTAIN VICTIMS OF AND WITNESSES TO CERTAIN CRIMES.

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

A. records pertaining to physical or mental
examinations and medical treatment of persons confined to an
institution;

B. letters of reference concerning employment,
licensing or permits;

C. letters or memoranda that are matters of
opinion in personnel files or students' cumulative files;

D. portions of law enforcement records that
reveal:

(1) confidential sources, methods or
information; or

(2) before charges are filed, names,
address, contact information, or protected personal
identifier information as defined in this Act of individuals
who are:

1 (a) accused but not charged with a
2 crime; or

3 (b) victims of or non-law-enforcement
4 witnesses to an alleged crime of: 1) assault with intent to
5 commit a violent felony pursuant to Section 30-3-3 NMSA 1978
6 when the violent felony is criminal sexual penetration;
7 2) assault against a household member with intent to commit a
8 violent felony pursuant to Section 30-3-14 NMSA 1978 when the
9 violent felony is criminal sexual penetration; 3) stalking
10 pursuant to Section 30-3A-3 NMSA 1978; 4) aggravated stalking
11 pursuant to Section 30-3A-3.1 NMSA 1978; 5) criminal sexual
12 penetration pursuant to Section 30-9-11 NMSA 1978; or
13 6) criminal sexual contact pursuant to Section 30-9-12
14 NMSA 1978.

15 Law enforcement records include evidence in any form
16 received or compiled in connection with a criminal
17 investigation or prosecution by a law enforcement or
18 prosecuting agency, including inactive matters or closed
19 investigations to the extent that they contain the
20 information listed in this subsection; provided that the
21 presence of such information on a law enforcement record does
22 not exempt the record from inspection;

23 E. as provided by the Confidential Materials Act;

24 F. trade secrets, attorney-client privileged
25 information and long-range or strategic business plans of

1 public hospitals discussed in a properly closed meeting;

2 G. tactical response plans or procedures prepared
3 for or by the state or a political subdivision of the state,
4 the publication of which could reveal specific
5 vulnerabilities, risk assessments or tactical emergency
6 security procedures that could be used to facilitate the
7 planning or execution of a terrorist attack; and

8 H. as otherwise provided by law."

9 SECTION 2. A new section of the Inspection of Public
10 Records Act, Section 14-2-1.1 NMSA 1978, is enacted to read:

11 "14-2-1.1. PERSONAL IDENTIFIER INFORMATION.--Protected
12 personal identifier information contained in public records
13 may be redacted by a public body before inspection or copying
14 of a record. The presence of protected personal identifier
15 information on a record does not exempt the record from
16 inspection. Unredacted records that contain protected
17 personal identifier information shall not be made available on
18 publicly accessible websites operated by or managed on behalf
19 of a public body."
