

1 SENATE BILL 64

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Sander Rue and Linda M. Trujillo and Christine Chandler and  
5 Joseph Cervantes  
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10 AN ACT

11 RELATING TO RISK MANAGEMENT; ELIMINATING AN EXCEPTION TO PUBLIC  
12 INSPECTION FOR RECORDS PERTAINING TO INSURANCE COVERAGE CREATED  
13 OR MAINTAINED BY THE RISK MANAGEMENT DIVISION OF THE GENERAL  
14 SERVICES DEPARTMENT; CLARIFYING THE AUTHORITY OF THE  
15 LEGISLATURE TO OBTAIN RECORDS PERTAINING TO CERTAIN CLAIMS  
16 AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC  
17 EMPLOYEES; REMOVING THE ONE-HUNDRED-EIGHTY-DAY DELAY IN  
18 RELEASING PUBLIC RECORDS PERTAINING TO CLAIMS AGAINST  
19 GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES  
20 AFTER THE OCCURRENCE OF CERTAIN EVENTS; CHANGING AND REMOVING  
21 THE EVENTS THAT TRIGGER RELEASE OF PUBLIC RECORDS PERTAINING TO  
22 CERTAIN CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS  
23 OR PUBLIC EMPLOYEES; ELIMINATING CRIMINAL PENALTIES FOR  
24 REVEALING CONFIDENTIAL RECORDS PERTAINING TO CERTAIN CLAIMS  
25 AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC

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1 EMPLOYEES.

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

4 SECTION 1. Section 15-7-9 NMSA 1978 (being Laws 1981,  
5 Chapter 280, Section 1) is amended to read:

6 "15-7-9. CONFIDENTIALITY OF RECORDS [~~PENALTY~~].--

7 A. [~~The following~~] Records pertaining to claims for  
8 damages or other relief against any governmental entity, public  
9 officer or public employee created or maintained by the risk  
10 management division of the general services department are  
11 confidential and shall not be subject to any right of  
12 inspection by any person [~~not~~] except a state officer, [~~member~~]  
13 a body of the legislature or a state employee within the scope  
14 of [~~his~~] the officer's, body's or employee's official duties;

15 [~~(1) records pertaining to insurance coverage;~~  
16 ~~provided any record of a particular coverage shall be available~~  
17 ~~to any public officer, public employee or governmental entity~~  
18 ~~insured under such coverage; and~~

19 (2) ~~records pertaining to claims for damages~~  
20 ~~or other relief against any governmental entity or public~~  
21 ~~officer or employee; provided such records shall be subject to~~  
22 ~~public inspection by New Mexico citizens one hundred eighty~~  
23 ~~days after the latest of the following dates:~~

24 (a) ~~the date all statutes of limitation~~  
25 ~~applicable to the claim have run] provided that the records~~

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1 shall be subject to public inspection on and after the earliest  
2 of:

3 [~~(b)~~] (1) the date [all litigation involving  
4 the claim and the occurrence giving rise thereto has been  
5 brought to] a final judgment is issued resolving the claim and  
6 all appeals and rights to appeal have been exhausted;

7 [~~(c)~~ the date the claim is fully and  
8 finally settled; or

9 [~~(d)~~ the date the claim has been placed  
10 on closed status]

11 (2) the date final payment is issued pursuant  
12 to a judicial monetary award rendered by the court; or

13 (3) the date a settlement agreement is signed  
14 by all of the parties.

15 B. Records protected pursuant to Subsection A of  
16 this section shall be made available as necessary for purposes  
17 of audit or defense. Any person performing such audit or  
18 providing such defense shall keep such records confidential,  
19 except as required otherwise by law.

20 [~~G. Any person who reveals records protected~~  
21 ~~pursuant to Subsection A of this section to another person in~~  
22 ~~violation of this section is guilty of a misdemeanor and shall,~~  
23 ~~upon conviction, be fined not more than one thousand dollars~~  
24 ~~(\$1,000). The state shall not employ any person so convicted~~  
25 ~~for a period of five years after the date of conviction.]"~~

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