

1 HOUSE BILL 179

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 D. Wonda Johnson

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9  
10 AN ACT

11 RELATING TO VITAL RECORDS; ELIMINATING FEES FOR CERTIFIED BIRTH  
12 CERTIFICATES FOR HOMELESS INDIVIDUALS; ELIMINATING RESTRICTIONS  
13 ON ACCESS TO VITAL RECORDS FOR HOMELESS CHILDREN OR YOUTH AND  
14 UNACCOMPANIED YOUTH.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 24-14-28 NMSA 1978 (being Laws 1961,  
18 Chapter 44, Section 26, as amended) is amended to read:

19 "24-14-28. COPIES OR DATA FROM THE SYSTEM OF VITAL  
20 STATISTICS.--

21 A. In accordance with the Vital Statistics Act and  
22 the regulations adopted pursuant to that act:

23 [~~A.~~] (1) the state registrar shall, upon  
24 receipt of a written application, issue a certified copy of any  
25 certificate or record in [~~his~~] the state registrar's custody to

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1 anyone demonstrating a tangible and direct interest, except  
2 that:

3 ~~[(1)]~~ (a) certified copies of birth  
4 records shall exclude all medical information unless a complete  
5 certificate is specifically requested and the request for a  
6 complete certificate is approved by the state registrar; and

7 ~~[(2)]~~ (b) issuance of copies of birth  
8 records shall be subject to the provisions of the Missing Child  
9 Reporting Act;

10 ~~[B.]~~ (2) a certified copy of a certificate or  
11 any part thereof, including records reproduced from paper  
12 documents or photographic, magnetic or electronic files, shall  
13 be considered for all purposes the same as the original and is  
14 prima facie evidence of the facts therein stated; provided that  
15 the evidentiary value of a certificate or record filed more  
16 than one year after the event or a record ~~[which]~~ that has been  
17 amended shall be determined by the judicial or administrative  
18 body or official before whom the certificate is offered as  
19 evidence;

20 ~~[C.]~~ (3) the agency of the United States  
21 government responsible for national vital statistics may be  
22 furnished copies or data as it may require for national  
23 statistics, upon the condition that the data shall not be used  
24 for other than statistical purposes unless so authorized by the  
25 state registrar;

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1                   [~~D.~~] (4) at the discretion of the state  
2 registrar, federal, state, local and other public or private  
3 agencies may upon request be furnished copies or data for  
4 statistical or administrative purposes upon the conditions as  
5 may be prescribed by the department;

6                   [~~E.~~] (5) no person shall prepare or issue any  
7 report of an induced abortion or any certificate [~~which~~] that  
8 purports to be an original, certified copy or copy of a  
9 certificate of birth, death or spontaneous fetal death or  
10 reproduction of a certified copy except as authorized in the  
11 Vital Statistics Act or regulations adopted pursuant to that  
12 act; [~~and~~]

13                   [~~F.~~] (6) the state registrar may, by written  
14 agreement, transmit copies of records and other reports  
15 required by the Vital Statistics Act to offices of vital  
16 statistics outside this state when the records or other reports  
17 relate to residents of those jurisdictions or persons born  
18 outside those jurisdictions. The agreement shall require that  
19 the copies be used for statistical purposes only and shall  
20 provide for the retention and disposition of copies. Copies  
21 received by the state registrar from offices of vital  
22 statistics in other states shall be handled in the manner  
23 prescribed in this section; and

24                   (7) the state registrar shall, upon receipt of  
25 a written application from an unaccompanied youth, issue a

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1 certified copy of that youth's birth record to the youth,  
2 without requiring a signature of an adult.

3 B. A local education agency homeless liaison, a  
4 school counselor and a school nurse each have a tangible and  
5 direct interest pursuant to Subsection A of this section in a  
6 certified copy of the birth record of a homeless child or youth  
7 who is enrolled in the local education agency and in a  
8 certified copy of the birth record of a younger sibling of a  
9 homeless child or youth who is enrolled in the local education  
10 agency.

11 C. A social worker in this state has a tangible and  
12 direct interest pursuant to Subsection A of this section in a:

13 (1) certified copy of the birth record of a  
14 homeless child or youth who is a client of the social worker;  
15 and

16 (2) certified copy of the birth record of a  
17 younger sibling of a homeless child or youth who is a client of  
18 the social worker.

19 D. For the purposes of this section:

20 (1) "homeless child or youth" means an  
21 individual who is twenty-five years of age or younger and lacks  
22 a fixed, regular and adequate nighttime residence, including an  
23 individual who:

24 (a) lives in the housing of another  
25 person due to that individual's loss of housing, economic

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1 hardship or other reason related to that individual's lack of a  
2 fixed residence;

3 (b) lives in a motel, hotel, trailer  
4 park or camping ground due to that individual's lack of  
5 alternative adequate accommodations;

6 (c) lives in an emergency or  
7 transitional shelter;

8 (d) sleeps in a public or private place  
9 not designed for or ordinarily used as a regular sleeping  
10 accommodation for human beings; or

11 (e) lives in an automobile, a park, a  
12 public space, an abandoned building, substandard housing, a bus  
13 station, a train station or a similar setting; and

14 (2) "unaccompanied youth" means an individual  
15 who is twenty-five years of age or younger, is not in the  
16 physical custody of a parent or legal guardian and lacks a  
17 fixed, regular and adequate nighttime residence, including an  
18 individual who:

19 (a) lives in the housing of another  
20 person due to that individual's loss of housing, economic  
21 hardship or other reason related to that individual's lack of a  
22 fixed residence;

23 (b) lives in a motel, hotel, trailer  
24 park or camping ground due to that individual's lack of a fixed  
25 residence;

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1                                   (c) lives in an emergency or  
2 transitional shelter;

3                                   (d) sleeps in a public or private place  
4 not designed for or ordinarily used as a regular sleeping  
5 accommodation for human beings; or

6                                   (e) lives in an automobile, a park, a  
7 public space, an abandoned building, substandard housing, a bus  
8 station, a train station or a similar setting."

9                   SECTION 2. Section 24-14-29 NMSA 1978 (being Laws 1961,  
10 Chapter 44, Section 27, as amended) is amended to read:

11                   "24-14-29. FEES FOR COPIES AND SEARCHES.--

12                   A. The fee for each search of a vital record to  
13 produce a certified copy of a birth certificate shall be ten  
14 dollars (\$10.00) and shall include one certified copy of the  
15 record, if available. A fee shall not be charged for a  
16 certified copy of a birth certificate of a homeless individual.

17                   B. The fee for the establishment of a delayed  
18 record or for the revision or amendment of a vital record, as a  
19 result of an adoption, a legitimation, a correction or other  
20 court-ordered change to a vital record, shall be ten dollars  
21 (\$10.00). The fee shall include one certified copy of the  
22 delayed record.

23                   C. The fee for each search of a vital record to  
24 produce a copy of a report of spontaneous fetal death or a  
25 certificate of still birth shall be five dollars (\$5.00) and

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1 shall include one certified copy of the record of fetal death,  
2 if available.

3 D. The fee for each search of a vital record to  
4 produce a certified copy of a death certificate shall be five  
5 dollars (\$5.00) and shall include one certified copy of the  
6 record, if available.

7 E. Revenue from the fees imposed in this section  
8 shall be distributed as follows:

9 (1) an amount equal to three-fifths of the  
10 revenue from the fee imposed by Subsection A of this section,  
11 an amount equal to one-half of the revenue from the fee imposed  
12 by Subsection B of this section and an amount equal to one-  
13 fifth of the revenue from the fee imposed by Subsection D of  
14 this section shall be distributed to the day-care fund; and

15 (2) the remainder of the revenue from the fees  
16 imposed by Subsections A, B, C and D of this section shall be  
17 deposited in the state general fund.

18 F. For the purposes of this section, "homeless  
19 individual" means an individual:

20 (1) who lacks a fixed, regular and adequate  
21 nighttime residence, including an individual who:

22 (a) lives in the housing of another  
23 person due to that individual's loss of housing, economic  
24 hardship or other reason related to that individual's lack of a  
25 fixed residence;

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1                   (b) lives in a motel, hotel, trailer  
2 park or camping ground due to the lack of alternative adequate  
3 accommodations;

4                   (c) lives in an emergency or  
5 transitional shelter;

6                   (d) sleeps in a public or private place  
7 not designed for or ordinarily used as a regular sleeping  
8 accommodation for human beings; or

9                   (e) lives in an automobile, a park, a  
10 public space, an abandoned building, substandard housing, a bus  
11 station, a train station or a similar setting; and

12                   (2) whose homelessness can be verified through  
13 an attestation, which shall not be required to be notarized, by  
14 one of the following:

15                   (a) a public or private governmental or  
16 nonprofit agency that provides services to homeless  
17 individuals;

18                   (b) a local education agency homeless  
19 liaison, school counselor or school nurse;

20                   (c) a social worker licensed in this  
21 state; or

22                   (d) the homeless individual."