

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

March 14, 2025

SENATE FLOOR AMENDMENT number 1 to HOUSE BILL 5, as amended

Amendment sponsored by Senator Cervantes

1. Strike House Judiciary Committee Amendment 1.
2. Strike all senate judiciary committee amendments.
3. On page 2, line 25, strike "state department of justice" and insert in lieu thereof "office of the attorney general".
4. On page 3, line 7, after "appointed", insert "by the governor with the advice and consent of the senate" and after "years", strike the remainder of the line, strike line 8 and strike line 9 through the period and insert in lieu thereof a period and "The advocate shall be appointed as soon as practicable. The initial term shall end December 31, 2031.".
5. On page 3, line 13, strike the second occurrence of "a" and insert in lieu thereof "or" and on lines 13 and 14, strike "or a marriage and family therapist".
6. On page 3, line 15, after "to", insert "two".
7. On page 3, line 18, strike "governor" and insert in lieu thereof "attorney general".
8. On page 4, line 15, strike "and" and insert in lieu thereof "or".
9. On page 5, lines 12 and 13, strike "and the attorney general".
10. On page 6, line 4, strike "state department of justice" and insert in lieu thereof "office of the attorney general".

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11. On page 6, line 8, strike "subsequent meetings" and insert in lieu thereof "a subsequent meeting".

12. On page 7, strike lines 18 through 20.

13. On page 8, line 2, before the semicolon, insert "and notify the complainant and the subjects of the complaint of the final outcome within ninety days of the completion of the investigation".

14. On page 8, strike lines 3 through 5.

15. On page 8, lines 10 and 11, strike "support children and families by providing" and insert in lieu thereof "provide".

16. On page 8, line 13, strike "upon request,".

17. On page 8, line 21, after "that", insert "the department would be entitled to access or receive and that".

18. On page 8, strike lines 24 and 25 and on page 9, strike lines 1 through 5 and insert in lieu thereof:

"(14) access and review information, records or documents that the department would be entitled to access or receive, including records of third parties, that the office deems necessary to conduct a thorough and independent review of a complaint;".

19. Renumber paragraphs to correspond with these amendments.

20. On page 9, line 19, after the paragraph designation "(1)", strike the remainder of the line and strike line 20, and on line 23, after "that", strike the remainder of the line and strike lines 24 and 25.

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21. On page 10, line 1, strike "Employees" and insert in lieu thereof "employees".

22. On page 10, line 2, strike "and".

23. On page 10, line 5, strike ", subject to a referral to the department" and on line 6, strike the period and closing quotation mark and insert in lieu thereof:

"; and

(3) refer a complaint to another agency for investigation."".

24. On page 10, between lines 24 and 25, insert:

"(5) the number of children removed from a household subsequent to being returned to a household from which they were removed;".

25. Renumber the succeeding paragraphs accordingly.

26. On page 13, line 21, strike "a direct" and insert in lieu thereof "an".

27. On page 14, line 25, strike ", subject to a referral to the department or" and insert in lieu thereof "or whose parent, guardian or custodian is".

28. On page 15, line 5, strike "The" and insert in lieu thereof "Except as provided in Subsection B of this section, the".

29. On page 15, line 16, strike "in order".

30. On page 15, line 20, strike "in order".

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31. On page 15, lines 24 and 25, strike "Notwithstanding Subsection A of this section, the" and insert in lieu thereof "The".

32. On page 16, lines 18 and 19, strike ", subject to a referral to the department".

33. On page 17, line 4, strike "or a department employee".

34. On page 25, between lines 4 and 5, insert:

"SECTION 18. 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 as provided in Section 14-2-1.2 NMSA 1978;

E. as provided by the Confidential Materials Act;

F. trade secrets;

G. attorney-client privileged information;

H. long-range or strategic business plans of public hospitals discussed in a properly closed meeting;

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

J. information concerning information technology systems, the publication of which would reveal specific vulnerabilities that compromise or allow unlawful access to such systems; provided that this subsection shall not be used to restrict requests for:

(1) records stored or transmitted using information technology systems;

(2) internal and external audits of information technology systems, except for those portions that would reveal ongoing vulnerabilities that compromise or allow unlawful access to such systems; or

(3) information to authenticate or validate records received pursuant to a request fulfilled pursuant to the Inspection of Public Records Act;

K. submissions in response to a competitive grant, land lease or scholarship and related scoring materials and evaluation reports until finalists are publicly named or the award is announced; [~~and~~]

L. case records, third party records, court records and any information gathered in the course of investigations and system monitoring duties by the office of child advocate, pursuant to the provisions of the Office of Child Advocate Act; and

[~~L.~~] M. as otherwise provided by law."".

35. Renumber the succeeding section accordingly.

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Joseph Cervantes

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____