

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/21/26 *Check all that apply:*
Bill Number: HB0091 Original Correction
 Amendment Substitute

Sponsor: Representative Marian Matthews **Agency Name and Code:** 790 – Department of Public Safety
Short Title: REDACT CHANGE OF CAUSE OF DEATH NOTIFICATION **Person Writing:** Ricardo Montoya
Phone: 505-637-1795 **Email:** Ricardo.montoya@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 91 (HB-91) relates to the privacy of records that are in the custody of law enforcement agencies regarding notifications of a change in the cause of death of a person. The bill authorizes the redaction from law enforcement public records of a visual or audio depiction of the notification to a member of the public of a change in cause of death of a family member. Specifically provides that the record of notification regarding the change in death is considered nonpublic unless the person who receives the notification grants permission for it to be made public.

FISCAL IMPLICATIONS

No fiscal impact to the Department of Public Safety (DPS).

SIGNIFICANT ISSUES

Exceptions in Section 14-2-1.2 NMSA 1978, protects the dignity and privacy interests of victims and witnesses whose interactions with law enforcement are generally captured by body-worn camera. This includes graphic visual depictions of death, grave bodily injury, and the intimate body parts of victims, witnesses, or bystanders, and notifications to the public of a family member's death.

Extending an exception to include notifications involving changes in the cause of death is consistent with Section 14-2-1.2; however, the notable inconsistency is that none of the exceptions under Section 14-2-1.2 permit release solely based on permission from the person in the video. Generally, these types of depictions are void of informational value and that information is available through other formats. Additionally, other mechanisms already exist to access records that are not produced including in-person inspections and valid subpoenas or court orders.

PERFORMANCE IMPLICATIONS

None for DPS.

ADMINISTRATIVE IMPLICATIONS

HB-91 has no administrative implications if the additions are consistent with the existing exceptions in Section 14-2-1.2. However, if adopted as presented (with permissions to release), the Department of Public Safety (DPS) will need to update internal policies, Inspection of Public Records Act (IPRA) procedures, and training materials to reflect the new exemption for recordings documenting changes in cause-of-death notifications. The DPS Office of Legal Affairs (OLA) will be required to review requests and provide recommendations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

None for DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

DPS is requesting to strike "without permission of the person who receives the notification" on page 3, lines 17 and 18.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None at this time.