

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
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**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 2/11/26 *Check all that apply:*  
**Bill Number:** SB40S Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b> <b>Short</b>	Peter Wirth and Christine Chandler and Cindy Nava	<b>Agency Name and Code</b>	<b>Number:</b> 790 – Department of Public Safety
	Driver Privacy and Safety Act	<b>Person Writing</b>	Travis Skinner
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0.0	\$0.0	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
<b>Total</b>	Indeterminate	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**

Senate Bill 40 (SB-40) Adds a new section to Chapter 29 relating to Law Enforcement to prohibit the sharing of information acquired by automatic license plate readers (ALPR) to any state or local jurisdiction for the purpose of 1) immigration enforcement; 2) investigation or prosecution of activities that are legal in New Mexico, including protected health care activities; and 3) efforts to impose civil or criminal liability for activities protected by the federal or state Constitutions. Places other restraints and conditions on use or sharing of such information. Safeguards information acquired by ALPR as confidential and not considered a public record subject to requests for inspection. Requires law enforcement agencies that use ALPR to report certain data quarterly to the Attorney General.

The SB40 substitute places new and more stringent restraints and conditions on the use or sharing of reader information with third parties and greatly expands the data that users must report. It safeguards information acquired by ALPR as confidential and not considered a public record subject to requests for inspection. The substitute also designates the Department of Public Safety (DPS) as an authorized enforcer and imposes sanctions on law enforcement agencies and vendors for noncompliance. Requires law enforcement agencies that use ALPR to report certain data annually to DPS.

#### **FISCAL IMPLICATIONS**

The proposed Driver Privacy and Safety Act (the Act) would likely restrict the lawful use of ALPR equipment purchased by the Department of Public Safety (DPS) with federal funding, specifically Operation Stonegarden funds. These Stonegarden-funded ALPR systems are intended to support coordinated, multi-agency public safety operations that depend on timely information sharing with federal and out-of-state law enforcement partners. The bill's prohibitions on data sharing, particularly those based on subjective "reasonable belief" standards and limitations tied to immigration enforcement will necessitate the replacement of those resources with state funded ALPR systems in the near future.

#### **SIGNIFICANT ISSUES**

The committee substitute addresses many of the primary concerns DPS had with the original bill. In its original form DPS did not believe the act would be able to be implemented without disrupting virtually all ALPR data sharing. The revised requirements, while still initially burdensome in implementation, are achievable by law enforcement.

In Section 3.E, the committee substitute now allows privately capture ALPR data to be shared via consent, which is much more operationally feasible standard than the original version that prevented private entities from sharing their data with law enforcement even if they wanted to

The change of the enforcement standard in Section 5 to only provide a civil penalty for an "intentional" violation was a major improvement that is more practical, while still incentivizes agencies to share important public safety data. DPS had a fear in the previous version that the liability burden would cause agencies to restrict sharing for critical public safety reasons, due to fear of excessive legal exposure.

## **PERFORMANCE IMPLICATIONS**

The bill will require additional reporting for the agency, but DPS believes the updated reporting in Section 4 is an improvement and much more practical for agencies. Although this section now has additional reporting requirements they are only due annually rather than quarterly. The information being requested is attainable for agencies and DPS believes it is appropriate for that data to come to them as opposed to the Attorney General. The primary reason for this is that DPS, as the statewide CJIS and NCIC administrator, has the ability to revoke an agency's ALPR systems data sharing privileges if they violate the act. The ability to take away the primary benefit of the ALPR system for agencies, by suspending data sharing, is a strong deterrent to any potential misuse.

## **ADMINISTRATIVE IMPLICATIONS**

If enacted, SB-40 will result in administrative implications for agencies using ALPRs and for DPS in its role as the CJIS Systems Agency and Systems Agency/Officer (CSA/CSO). Agencies will need to update internal policies, standard operating procedures, training materials, and records management practices to reflect new statutory limitations on the use, sharing, and disclosure of ALPR data, including procedures for documenting out-of-state requests and completing reports for DPS.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

## **TECHNICAL ISSUES**

The committee substitute for SB40 does not call for mandated sharing with DPS of all ALPR data by vendors. The lack of this provision hampers the ability of DPS to audit and validate the annual reporting they receive. This prevents DPS from ensuring the Act is followed by all law enforcement agencies in the state.

## **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

## **ALTERNATIVES**

See above "Technical Issues".

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain.

## **AMENDMENTS**

None at this time.