AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT CERTAIN DOCUMENTS

IN A PEACE OFFICER'S PERSONNEL FILE ARE CONFIDENTIAL;

AMENDING A SECTION OF THE PEACE OFFICER'S EMPLOYER-EMPLOYEE

RELATIONS ACT.

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

Section 1. Section 29-14-7 NMSA 1978 (being Laws 1991,

Chapter 117, Section 7) is amended to read:

"29-14-7. PERSONNEL FILES.--

- A. No document containing comments adverse to a peace officer shall be entered into his personnel file, unless the officer has read and signed the document. When an officer refuses to sign a document containing comments adverse to him, the document may be entered into an officer's personnel file if:
- (1) the officer's refusal to sign is noted on the document by the chief administrator of the officer's employer; and
- (2) the notation regarding the officer's refusal to sign the document is witnessed by a third party.
- B. A peace officer may file a written response to any document containing adverse comments entered into his personnel file, and the response shall be filed with the officer's employer within thirty days after the document was

entered into the officer's personnel file. A peace officer's written response shall be attached to the document.

C. Documents in a peace officer's personnel file that are not otherwise public documents as covered by the Inspection of Public Records Act, Chapter 14, Article 2 NMSA 1978 that are involved in an administrative investigation conducted by the officer's employer are confidential and shall not be disseminated by the officer's employer, unless the employer is ordered to release the documents pursuant to an order issued by a court of competent jurisdiction."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1999.