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HOUSE BILL 573

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

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:

underscored material = new
[bracketed material] = delete

1 (1) the officer's refusal to sign is noted on
2 the document by the chief administrator of the officer's
3 employer; and

4 (2) the notation regarding the officer's
5 refusal to sign the document is witnessed by a third party.

6 B. A peace officer may file a written response to
7 any document containing adverse comments entered into his
8 personnel file, and the response shall be filed with the
9 officer's employer within thirty days after the document was
10 entered into the officer's personnel file. A peace officer's
11 written response shall be attached to the document.

12 C. Documents in a peace officer's personnel file
13 that are implicated in an administrative investigation
14 conducted by the officer's employer are confidential and shall
15 not be disseminated by the officer's employer, unless the
16 employer is ordered to release the documents pursuant to an
17 order issued by a court of competent jurisdiction. "

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

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 22, 1999

7
8 Mr. Speaker:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 573

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17 1. On page 2, line 13, strike "implicated" and insert in
18 lieu thereof "involved".

19 Respectfully submitted,

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23 _____
24 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HJ/HB 573

Page 4

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Luna

13 Absent: None

16 J:\99BillsWP\H0573

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1 FORTY- FOURTH LEGI SLATURE

2 FIRST SESSION, 1999

HB 573/a

3
4 March 18, 1999

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6 Mr. President:

7
8 Your JUDI CIARY COMMI TTEE, to whom has been referred

9 HOUSE BILL 573, as amended

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. On page 2, line 12, after "file" insert "that are not
15 otherwise public documents as covered by the Inspection of
16 Public Records Act, Chapter 14, Article 2 NMSA 1978".

17 Respectfully submit ted,

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22 _____
23 Michael S. Sanchez, Chai rman

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 3 For 2 Against

Yes: 3

No: Payne, Stockard

Excused: Aragon, Davis, Tsosie

Absent: None

H0573JU1

underscored material = new
[bracketed material] = delete