

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 736

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO ADOPTIONS; ESTABLISHING PROCEDURES FOR ADOPTIONS
ENTERED INTO PURSUANT TO THE FEDERAL INTERCOUNTRY ADOPTION ACT;
PROVIDING FOR BACKGROUND CHECKS ON PERSONS WHO PETITION TO
ADOPT A CHILD; PROVIDING A PENALTY; AMENDING AND ENACTING
SECTIONS OF THE ADOPTION ACT.

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

Section 1. Section 32A-5-1 NMSA 1978 (being Laws 1993,
Chapter 77, Section 128) is amended to read:

"32A-5-1. SHORT TITLE. -- Chapter [~~32~~] 32A, Article 5 NMSA
1978 may be cited as the "Adoption Act". "

Section 2. Section 32A-5-3 NMSA 1978 (being Laws 1993,
Chapter 77, Section 130, as amended) is amended to read:

"32A-5-3. DEFINITIONS. -- As used in the Adoption Act:

A. "accrediting entity" means an entity that has

underscored material = new
[bracketed material] = delete

1 entered into an agreement with the United States secretary of
2 state pursuant to the federal Intercountry Adoption Act and
3 regulations adopted by the United States secretary of state
4 pursuant to that act, to accredit agencies and approve persons
5 who provide adoption services related to convention adoptions;

6 [A-] B. "adoptive" means a person who is the subject
7 of an adoption petition;

8 C. "adoption service" means:

9 (1) identifying a child for adoption and
10 arranging the adoption of the child;

11 (2) securing termination of parental rights to
12 a child or consent to adoption of the child;

13 (3) performing a background study on a child
14 and reporting on the study;

15 (4) performing a home study on a prospective
16 adoptive parent and reporting on the study;

17 (5) making determinations regarding the best
18 interests of a child and the appropriateness of an adoptive
19 placement for the child;

20 (6) performing post-placement monitoring of a
21 child until an adoption is final; and

22 (7) when there is a disruption before an
23 adoption of a child is final, assuming custody of the child and
24 providing or facilitating the provision of child care or other
25 social services for the child pending an alternative placement

. 143892. 2

underscored material = new
[bracketed material] = delete

1 of the child;

2 [B-] D. "agency" means a person certified, licensed
3 or otherwise specially empowered by law to place a child in a
4 home in this or any other state for the purpose of adoption;

5 [C-] E. "agency adoption" means an adoption when
6 the adoptee is in the custody of an agency prior to placement;

7 [D-] F. "acknowledged father" means a father who:

8 (1) acknowledges paternity of the adoptee
9 pursuant to the putative father registry, as provided for in
10 Section 32A-5-20 NMSA 1978;

11 (2) is named, with his consent, as the
12 adoptee's father on the adoptee's birth certificate;

13 (3) is obligated to support the adoptee under
14 a written voluntary promise or pursuant to a court order; or

15 (4) has openly held out the adoptee as his own
16 child by establishing a custodial, personal or financial
17 relationship with the adoptee as follows:

18 (a) for an adoptee under six months old
19 at the time of placement: 1) has initiated an action to
20 establish paternity; 2) is living with the adoptee at the time
21 the adoption petition is filed; 3) has lived with the mother a
22 minimum of ninety days during the two-hundred-eighty-day-period
23 prior to the birth or placement of the adoptee; 4) has lived
24 with the adoptee within the ninety days immediately preceding
25 the adoptive placement; 5) has provided reasonable and fair

. 143892. 2

underscored material = new
[bracketed material] = delete

1 financial support to the mother during the pregnancy and in
2 connection with the adoptee's birth in accordance with his
3 means and when not prevented from doing so by the person or
4 authorized agency having lawful custody of the adoptee or the
5 adoptee's mother; 6) has continuously paid child support to the
6 mother since the adoptee's birth in an amount at least equal to
7 the amount provided in Section 40-4-11.1 NMSA 1978, or has
8 brought current any delinquent child support payments; or 7)
9 any other factor the court deems necessary to establish a
10 custodial, personal or financial relationship with the adoptee;
11 or

12 (b) for an adoptee over six months old
13 at the time of placement: 1) has initiated an action to
14 establish paternity; 2) has lived with the adoptee within the
15 ninety days immediately preceding the adoptive placement; 3)
16 has continuously paid child support to the mother since the
17 adoptee's birth in an amount at least equal to the amount
18 provided in Section 40-4-11.1 NMSA 1978, or is making
19 reasonable efforts to bring delinquent child support payments
20 current; 4) has contact with the adoptee on a monthly basis
21 when physically and financially able and when not prevented by
22 the person or authorized agency having lawful custody of the
23 adoptee; or 5) has regular communication with the adoptee, or
24 with the person or agency having the care or custody of the
25 adoptee, when physically and financially unable to visit the

. 143892. 2

underscored material = new
[bracketed material] = delete

1 adoptee and when not prevented from doing so by the person or
2 authorized agency having lawful custody of the adoptee;

3 ~~[E.]~~ G. "alleged father" means an individual whom
4 the biological mother has identified as the biological father,
5 but the individual has not acknowledged paternity or registered
6 with the putative father registry as provided for in Section
7 32A-5-20 NMSA 1978;

8 ~~[F.]~~ H. "consent" means a document:

9 (1) signed by a biological parent whereby the
10 parent grants consent to the adoption of the parent's child by
11 another; or

12 (2) whereby the department or an agency grants
13 its consent to the adoption of a child in its custody;

14 I. "convention adoption" means:

15 (1) an adoption by a United States resident of
16 a child who is a resident of a foreign country that is a party
17 to the Hague Convention on Protection of Children and Co-
18 operation in Respect of Intercountry Adoption; or

19 (2) an adoption by a resident of a foreign
20 country that is a party to the Hague Convention on Protection
21 of Children and Co-operation in Respect of Intercountry
22 Adoption of a child who is a resident of the United States;

23 ~~[G.]~~ J. "counselor" means a person certified by the
24 department to conduct adoption counseling in independent
25 adoptions;

. 143892. 2

underscored material = new
[bracketed material] = delete

1 ~~[H.]~~ K. "department adoption" means an adoption
2 when the child is in the custody of the department;

3 ~~[I.]~~ L. "former parent" means a parent whose
4 parental rights have been terminated or relinquished;

5 ~~[J.]~~ M. "full disclosure" means mandatory and
6 continuous disclosure by the investigator, agency, department
7 or petitioner throughout the adoption proceeding and after
8 finalization of the adoption of all known, nonidentifying
9 information regarding the adoptee, including:

- 10 (1) health history;
- 11 (2) psychological history;
- 12 (3) mental history;
- 13 (4) hospital history;
- 14 (5) medication history;
- 15 (6) genetic history;
- 16 (7) physical descriptions;
- 17 (8) social history;
- 18 (9) placement history; and
- 19 (10) education;

20 ~~[K.]~~ N. "independent adoption" means an adoption
21 when the child is not in the custody of the department or an
22 agency;

23 ~~[L.]~~ O. "investigator" means an individual
24 certified by the department to conduct pre-placement studies
25 and post-placement reports;

. 143892. 2

underscored material = new
[bracketed material] = delete

1 ~~[M-]~~ P. "office" means a place for the regular
2 transaction of business or performance of particular services;

3 ~~[N-]~~ Q. "parental rights" means all rights of a
4 parent with reference to a child, including parental right to
5 control, to withhold consent to an adoption or to receive
6 notice of a hearing on a petition for adoption;

7 ~~[O-]~~ R. "placement" means the selection of a family
8 for an adoptee or matching of a family with an adoptee and
9 physical transfer of the adoptee to the family in all adoption
10 proceedings, except in adoptions filed pursuant to Paragraphs
11 (1) and (2) of Subsection C of Section 32A-5-12 NMSA 1978, in
12 which case placement occurs when the parents consent to the
13 adoption, parental rights are terminated or parental consent is
14 implied;

15 ~~[P-]~~ S. "post-placement report" means a written
16 evaluation of the adoptive family and the adoptee after the
17 adoptee is placed for adoption;

18 ~~[Q-]~~ T. "pre-placement study" means a written
19 evaluation of the adoptive family, the adoptee's biological
20 family and the adoptee;

21 ~~[R-]~~ U. "presumed father" means:

22 (1) the husband of the biological mother at
23 the time the adoptee was born;

24 (2) an individual who was married to the
25 mother and either the adoptee was born during the term of the

underscored material = new
[bracketed material] = delete

1 marriage or the adoptee was born within three hundred days
2 after the marriage was terminated by death, annulment,
3 declaration of invalidity or divorce; or

4 (3) before the adoptee's birth, an individual
5 who attempted to marry the adoptee's biological mother by a
6 marriage solemnized in apparent compliance with law, although
7 the attempted marriage is or could be declared invalid and if
8 the attempted marriage:

9 (a) could be declared invalid only by a
10 court, the adoptee was born during the attempted marriage or
11 within three hundred days after its termination by death,
12 annulment, declaration of invalidity or divorce; or

13 (b) is invalid without a court order,
14 the adoptee was born within three hundred days after the
15 termination of cohabitation;

16 [S.] V. "record" means any petition, affidavit,
17 consent or relinquishment form, transcript or notes of
18 testimony, deposition, power of attorney, report, decree,
19 order, judgment, correspondence, document, photograph, invoice,
20 receipt, certificate or other printed, written, videotaped or
21 tape-recorded material pertaining to an adoption proceeding;

22 [T.] W. "relinquishment" means the document by
23 which a parent relinquishes parental rights to the department
24 or an agency to enable placement of the parent's child for
25 adoption;

underscored material = new
[bracketed material] = delete

1 ~~[U-]~~ X. "resident" means a person who, prior to
2 filing an adoption petition, has lived in the state for at
3 least six months immediately preceding filing of the petition
4 for adoption or a person who has become domiciled in the state
5 by establishing legal residence with the intention of
6 maintaining the residency indefinitely; and

7 ~~[V-]~~ Y. "stepparent adoption" means an adoption of
8 the adoptee by the adoptee's stepparent when the adoptee has
9 lived with the stepparent for at least one year following the
10 marriage of the stepparent to the custodial parent. "

11 Section 3. Section 32A-5-6 NMSA 1978 (being Laws 1993,
12 Chapter 77, Section 133, as amended) is amended to read:

13 "32A-5-6. AUTHORITY OF THE DEPARTMENT. --

14 A. The department may adopt and promulgate
15 necessary regulations and forms for the administration of the
16 Adoption Act, but the regulations shall not conflict with the
17 provisions of the Adoption Act.

18 B. The department has the authority to provide or
19 request additional information from an investigator or an
20 attorney representing any person involved in any action filed
21 pursuant to the provisions of the Adoption Act.

22 C. The department has the authority to intervene in
23 any action filed pursuant to the provisions of the Adoption
24 Act. The intervention shall be effected when legal counsel for
25 the department files a motion for an entry of appearance and an

underscored material = new
[bracketed material] = delete

1 appropriate response.

2 D. The department shall be served by mail by the
3 attorney for the petitioner with copies of all pleadings filed
4 in any action pursuant to the provisions of the Adoption Act,
5 except for copies of the petition for adoption, the request for
6 placement and the decree of adoption, which shall be served as
7 provided in Section 32A-5-7 NMSA 1978.

8 E. The department is authorized to act as an
9 accrediting entity on behalf of the state.

10 F. The department may assess fees for the cost of
11 accrediting an agency or approving a person in matters related
12 to convention adoptions. The department shall establish the
13 amount of the fees by rule and the fees shall be subject to
14 approval by the United States secretary of state. The amount
15 of the fees shall not exceed the cost of similar services
16 provided by the department."

17 Section 4. Section 32A-5-26 NMSA 1978 (being Laws 1993,
18 Chapter 77, Section 153, as amended) is amended to read:

19 "32A-5-26. PETITION--CONTENT.--A petition for adoption
20 shall be filed and verified by the petitioner and shall allege:

21 A. the full name, age and place and duration of
22 residence of the petitioner and, if married, the place and date
23 of marriage; the date and place of any prior marriage,
24 separation or divorce; and the name of any present or prior
25 spouse;

. 143892. 2

underscored material = new
[bracketed material] = delete

1 B. the date and place of birth of the adoptee, if
2 known;

3 C. the places where the adoptee has lived within
4 the past three years and the names and addresses of the persons
5 with whom the adoptee has lived, unless the adoptee is in the
6 custody of an agency or the department, in which case the
7 petitioner shall state the name and address of the agency or
8 the department's county office from which the child was placed;

9 D. the birth name of the adoptee, any other names
10 by which the adoptee has been known and the adoptee's proposed
11 new name; provided that in the case of an agency adoption, if
12 the petitioner and the biological parents have not agreed to
13 the release of the adoptee's identity to the other person, the
14 birth name and any other names by which the adoptee has been
15 known shall be filed with the court as separate documents at
16 the time the petition is filed;

17 E. where the adoptee is residing at the time of the
18 filing of the petition and, if the adoptee is not living with
19 the petitioner, when the adoptee will commence living with the
20 petitioner;

21 F. that the petitioner desires to establish a
22 parent and child relationship with the adoptee and that the
23 petitioner is a fit and proper person able to care and provide
24 for the adoptee's welfare;

25 G. the existence of any court orders, including

underscored material = new
[bracketed material] = delete

1 placement orders, that are known to the petitioner and that
2 regulate custody, visitation or access to the adoptee, copies
3 of which shall accompany and be attached to the petition as
4 exhibits;

5 H. the relationship, if any, of the petitioner to
6 the adoptee;

7 I. the name and address of the placing agency, if
8 any;

9 J. the names and addresses of all persons from whom
10 consents or relinquishments are required, attaching copies of
11 those obtained and alleging the facts that excuse or imply the
12 consents or relinquishments of the others; provided that if the
13 petitioner has not agreed to the release of his identity to the
14 parent or if the parent has not agreed to the release of his
15 identity to the petitioner, the names and addresses of all
16 persons from whom consents or relinquishments are required
17 shall be filed with the court as separate documents at the time
18 the petition for adoption is filed;

19 K. whether the adoption will be an open adoption,
20 pursuant to the provisions of Section 32A-5-35 NMSA 1978;

21 L. when consent of the child's father is alleged to
22 be unnecessary, the results of a search of the putative father
23 registry;

24 M. whether the adoptee is an Indian child and, if
25 so, the petition shall allege:

. 143892. 2

underscored material = new
[bracketed material] = delete

1 (1) the tribal affiliation of the adoptee's
2 parents;

3 (2) what specific actions have been taken and
4 by whom to notify the parents' tribe and the results of the
5 contact, including the names, addresses, titles and telephone
6 numbers of the persons contacted. Copies of any correspondence
7 with the Indian tribe shall be attached as exhibits to the
8 petition; and

9 (3) what specific efforts were made to comply
10 with the placement preferences set forth in the federal Indian
11 Child Welfare Act of 1978 or the placement preferences of the
12 appropriate Indian tribe;

13 N. whether the adoption is subject to the
14 Interstate Compact on the Placement of Children and, if so, a
15 copy of the interstate compact form indicating approval shall
16 be attached as an exhibit to the petition;

17 O. whether the adoptee is foreign-born and, if so,
18 copies of the child's passport and United States visa and of
19 all documents demonstrating that the adoptee is legally free
20 for adoption, ~~[and]~~ including a certificate from the United
21 States secretary of state that certifies that the adoption is a
22 convention adoption;

23 P. whether the adoption is a convention adoption.
24 If it is a convention adoption, the petition shall allege:

25 (1) that the country in which the child has

underscored material = new
[bracketed material] = delete

1 been residing is a party to the Hague Convention on Protection
2 of Children and Co-operation in Respect of Intercountry
3 Adoption;

4 (2) that the agency or person who is providing
5 the adoption service has been approved as an accrediting
6 entity; and

7 (3) that the certificate issued by the United
8 States secretary of state that certifies the adoption as a
9 convention adoption has been filed with the court; and

10 [P-] Q. the name, address and telephone number of
11 the agency or individual who has agreed to conduct the post-
12 placement report in accordance with Section 32A-5-31 NMSA 1978,
13 if different than the agency or individual who prepared the
14 pre-placement study in accordance with Section 32A-5-13 NMSA
15 1978. "

16 Section 5. Section 32A-5-36 NMSA 1978 (being Laws 1993,
17 Chapter 77, Section 163, as amended) is amended to read:

18 "32A-5-36. ADJUDICATION--DISPOSITION--DECREE OF
19 ADOPTION.--

20 A. The court shall conduct hearings on the petition
21 for adoption so as to determine the rights of the parties in a
22 manner that protects confidentiality. The petitioner and the
23 adoptee shall attend the hearing unless the court for good
24 cause waives a party's appearance. Good cause may include
25 burdensome travel requirements.

. 143892. 2

underscored material = new
[bracketed material] = delete

1 B. The petitioner shall file all documents required
2 pursuant to the Adoption Act and serve the department with
3 copies of the [~~same~~] documents simultaneously with the request
4 for hearing on the petition for adoption.

5 C. If any person who claims to be the biological
6 father of the adoptee has appeared before the court and filed a
7 written petition or response seeking custody and assuming
8 financial responsibility of the adoptee, the court shall hear
9 evidence as to the merits of the petition. If the court
10 determines by a preponderance of the evidence that the person
11 is not the biological father of the adoptee or that the child
12 was conceived through an act of rape or incest, the petition
13 shall be dismissed and the person shall no longer be a party to
14 the adoption. If the court determines that the person is the
15 biological father of the adoptee, the court shall further
16 determine whether the person qualifies as a presumed or
17 acknowledged father whose consent is necessary for adoption,
18 pursuant to Section 32A-5-17 NMSA 1978. If the court
19 determines that the person is the biological father, but does
20 not qualify as a presumed or acknowledged father, the court
21 shall adjudicate the person's rights pursuant to the provisions
22 of the Adoption Act.

23 D. If the mother or father of the adoptee has
24 appeared before the court and filed a written petition that
25 alleges the invalidity of the mother's or father's own consent

1 or relinquishment for adoption previously filed in the adoption
2 proceeding, the court shall hear evidence as to the merits of
3 the petition. If the court determines that the allegations
4 have not been proved by a preponderance of the evidence, the
5 petition shall be dismissed. If the court determines that the
6 allegations of the petition are true, the consent or
7 relinquishment for adoption shall be held invalid, and the
8 court shall determine, in the best interests of the adoptee,
9 the person who shall have custody of the child.

10 E. The petitioner shall present and prove each
11 allegation set forth in the petition for adoption by clear and
12 convincing evidence.

13 F. The court shall grant a decree of adoption if it
14 finds that the petitioner has proved by clear and convincing
15 evidence that:

16 (1) the court has jurisdiction to enter a
17 decree of adoption affecting the adoptee;

18 (2) the adoptee has been placed with the
19 petitioner for a period of ninety days if the adoptee is under
20 the age of one year at the time of placement or for a period of
21 one hundred eighty days if the adoptee is one year of age or
22 older at the time of placement, unless, for good cause shown,
23 the requirement is waived by the court;

24 (3) all necessary consents, relinquishments,
25 terminations or waivers have been obtained;

underscored material = new
[bracketed material] = delete

1 (4) the post-placement report required by
2 Section 32A-5-31 NMSA 1978 has been filed with the court;

3 (5) service of the petition for adoption has
4 been made or dispensed with as to all persons entitled to
5 notice pursuant to provisions of Section 32A-5-27 NMSA 1978;

6 (6) at least ninety days have passed since the
7 filing of the petition for adoption, except the court may
8 shorten or waive this period of time in cases in which the
9 child is being adopted by a stepparent, a relative or a person
10 named in the child's deceased parent's will pursuant to
11 provisions of Section 32A-5-12 NMSA 1978;

12 (7) the petitioner is a suitable adoptive
13 parent and the best interests of the adoptee are served by the
14 adoption;

15 (8) if visitation between the biological
16 family and the adoptee is contemplated, that the visitation is
17 in the child's best interests;

18 (9) if the adoptee is foreign-born, the child
19 is legally free for adoption and a certificate issued by the
20 United States secretary of state that certifies the adoption as
21 a convention adoption has been filed with the court;

22 (10) the results of the criminal records check
23 required pursuant to provisions of [~~Section 32A-5-14 NMSA 1978~~]
24 the Adoption Act have been received and considered;

25 (11) if the adoptee is an Indian child, the

underscored material = new
[bracketed material] = del ete

1 requirements set forth in the federal Indian Child Welfare Act
2 of 1978 have been met;

3 (12) when the child is an Indian child, the
4 placement preferences set forth in the federal Indian Child
5 Welfare Act of 1978 or the placement preferences of the
6 appropriate Indian tribes have been followed or, if not
7 followed, good cause for noncompliance has been clearly stated
8 and supported, as required by the federal Indian Child Welfare
9 Act of 1978 and provision has been made to ensure that the
10 Indian child's cultural ties to the Indian child's tribe are
11 protected and fostered; and

12 (13) if the adoption involves the interstate
13 placement of the adoptee, the requirements of the Interstate
14 Compact on the Placement of Children have been met.

15 G. In addition to the findings required by
16 Subsection F of this section, the court in any decree of
17 adoption shall make findings with respect to each allegation of
18 the petition.

19 H. If the court determines that any of the
20 requirements for a decree of adoption pursuant to provisions of
21 Subsections E and F of this section have not been met or that
22 the adoption is not in the best interests of the adoptee, the
23 court shall deny the petition and determine, in the best
24 interests of the adoptee, the person who shall have custody of
25 the child.

. 143892. 2

underscored material = new
[bracketed material] = delete

1 I. The decree of adoption shall include the new
2 name of the adoptee and shall not include any other name by
3 which the adoptee has been known or the names of the former
4 parents. The decree of adoption shall order that from the date
5 of the decree, the adoptee shall be the child of the petitioner
6 and accorded the status set forth in Section 32A-5-37 NMSA
7 1978.

8 J. A decree of adoption shall be entered within six
9 months of the filing of the petition if the adoptee is under
10 the age of one year at the time of placement or twelve months
11 if the adoptee is one year of age or older at the time of
12 placement, except that the time may be extended by the court
13 upon request of any of the parties or upon the court's own
14 motion for good cause shown.

15 K. A decree of adoption may not be attacked upon
16 the expiration of one year from the entry of the decree;
17 provided, however, that in any adoption involving an Indian
18 child, the Indian child's parent or Indian custodian may
19 petition the court pursuant to the provisions of the federal
20 Indian Child Welfare Act of 1978 to invalidate the adoption.

21 L. In any adoption involving an Indian child, the
22 clerk of the court shall provide the secretary of the interior
23 with a copy of any decree of adoption or adoptive placement
24 order and other information as required by the federal Indian
25 Child Welfare Act of 1978. "

underscored material = new
[bracketed material] = delete

1 Section 6. Section 32A-5-39 NMSA 1978 (being Laws 1993,
2 Chapter 77, Section 166) is amended to read:

3 "32A-5-39. RECOGNITION OF FOREIGN DECREES. --

4 A. Every judgment terminating the parent-child
5 relationship or establishing the relationship of parent and
6 child by adoption issued pursuant to due process of law by the
7 tribunals of any other jurisdiction within or without the
8 United States shall be recognized in this state, so that the
9 rights and obligations of the parties as to matters within the
10 jurisdiction of this state shall be determined as though the
11 judgment were issued by the courts of this state.

12 B. A convention adoption in a foreign country that
13 is certified by the United States secretary of state shall be
14 recognized as a final adoption in this state."

15 Section 7. A new section of the Adoption Act is enacted
16 to read:

17 "[NEW MATERIAL] APPLICATION OF THE FEDERAL INTERCOUNTRY
18 ADOPTION ACT. -- The protections and requirements set forth in
19 the federal Intercountry Adoption Act apply to all proceedings
20 involving a convention adoption. "

21 Section 8. A new section of the Adoption Act is enacted
22 to read:

23 "[NEW MATERIAL] CRIMINAL HISTORY RECORDS CHECK--BACKGROUND
24 CHECKS. --

25 A. A nationwide criminal history records check

. 143892. 2

underscored material = new
[bracketed material] = delete

1 shall be conducted on every person who files a petition to
2 adopt a child. A person who files a petition to adopt a child
3 shall provide the department with a set of fingerprints. The
4 department is authorized to use the set of fingerprints to
5 conduct a background check of the petitioner by submitting the
6 fingerprints to the department of public safety and the federal
7 bureau of investigation.

8 B. Criminal history records obtained by the
9 department pursuant to the provisions of this section are
10 confidential. Criminal history records obtained pursuant to
11 the provisions of this section shall not be used for any
12 purpose other than conducting background checks. Criminal
13 history records obtained pursuant to the provisions of this
14 section and the information contained in those records shall
15 not be released or disclosed to any other person or agency,
16 except pursuant to a court order or with the written consent of
17 the person who is the subject of the records.

18 C. A person who releases or discloses criminal
19 history records or information contained in those records in
20 violation of the provisions of this section is guilty of a
21 misdemeanor and shall be sentenced pursuant to the provisions
22 of Section 31-19-1 NMSA 1978. "

23 Section 9. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2003.