NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

| SPONSOR: HJ | TC . | DATE TYPED: | 3/17/03 | HB | 970/HJCS |
|--|------|-------------|---------|------|----------|
| SHORT TITLE: Confidentiality of Certain Public Records | | | SB | | |
| | | | | YST: | Maloy |

APPROPRIATION

| Appropriation Contained | | Estimated Add | litional Impact | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|---------------|-----------------|-------------------------|------------------|
| FY03 | FY04 | FY03 | FY04 | | |
| | NFI | | NFI | | |
| | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute for HB 970 amends the Arrest Record Information Act to provide that the following information shall be redacted from the arrest record and shall not be disclosed to the public, including a person accused, arrested, detained, indicted or named in the arrest record, except by court order:

- 1. the victim's date of birth;
- 2. the victim's social security number;
- 3. the victim's address and telephone number;
- 4. the victim's place of employment;
- 5. the victim's location; and
- 6. any other identifying information about the victim's whereabouts.

Significant Issues

- This bill protects victims' rights to privacy.
- At some point in the trial process, some of this information may need to be provided to

House Bill 920/HJCS -- Page 2

the accused / arrested / indicted as part of the defendant's right to confront his accuser. If any such information regarding the victim is necessary to the defense, it may be obtained through a court order. This balances the victims' rights to privacy with the defendants' constitutional trial rights.

FISCAL IMPLICATIONS

There are no fiscal implications for the state with HB 970/HJCS.

ADMINISTRATIVE IMPACT

The Department of Public Safety expressly notes that the redacting of certain information is an additional task that can be absorbed into existing personnel and budget resources.

RELATIONSHIP

A victim's privacy right is a State of New Mexico Constitutional Right. See Article II, Section 24. This bill also relates to the Victims of Crime Act, NMSA 1978, Sections 31-26-1 through 14.

SJM/njw