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HOUSE BILL 950

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR COMPUTER DATABASE  
INFORMATION OF THE STATE AS PUBLIC RECORDS.

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

Section 1. A new section of the Public Records Act is  
enacted to read:

"~~[NEW MATERIAL]~~ STATE RECORDS--COMPUTER DATABASES--COPY  
FEES.--

A. Except as otherwise provided by federal or state  
law, information contained in a computer database is a public  
record and shall be subject to disclosure in printed or typed  
format if the state has inserted that information into the  
database, in accordance with the Public Records Act.

B. The state shall authorize an electronic copy of  
information contained in a computer database that is a public

1 record on a currently available electronic medium for a person  
2 if the person agrees to pay a reasonable fee based upon the  
3 cost of:

- 4 (1) materials;
- 5 (2) making an electronic copy of the computer  
6 database; and
- 7 (3) personnel time to research and retrieve  
8 the electronic record.

9 C. Subject to any confidentiality provisions of  
10 law, the state may permit another federal, state or local  
11 government entity access to all or any portion of a computer  
12 database created by the state.

13 D. The state may at its option, and if it has the  
14 capability, permit access or use of its computer and network  
15 system to search, manipulate or retrieve information from a  
16 computer database and charge reasonable fees based on the cost  
17 of materials, personnel time, access time and the use of the  
18 computer network."

19 Section 2. Section 14-3-15.1 NMSA 1978 (being Laws 1986,  
20 Chapter 81, Section 9, as amended) is amended to read:

21 "14-3-15.1. RECORDS OF STATE AGENCIES--PUBLIC RECORDS--  
22 COPY FEES--COMPUTER DATABASES--CRIMINAL PENALTY.--

23 A. Except as otherwise provided by federal or state  
24 law, information contained in information systems databases  
25 shall be a public record and shall be subject to disclosure in

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underscored material = new  
[bracketed material] = delete

1 printed or typed format by the state agency that has inserted  
2 that information into the database, in accordance with the  
3 Public Records Act, upon the payment of a reasonable fee for  
4 the service.

5 B. The administrator shall recommend to the  
6 commission the procedures, schedules and technical standards  
7 for the retention of computer databases.

8 ~~[G. The state agency that has inserted data in a~~  
9 ~~database may authorize a copy to be made of a computer tape or~~  
10 ~~other medium containing a computerized database of a public~~  
11 ~~record for any person if the person agrees:~~

12 ~~(1) not to make unauthorized copies of the~~  
13 ~~database;~~

14 ~~(2) not to use the database for any political~~  
15 ~~or commercial purpose unless the purpose and use is approved in~~  
16 ~~writing by the state agency that created the database;~~

17 ~~(3) not to use the database for solicitation~~  
18 ~~or advertisement when the database contains the name, address~~  
19 ~~or telephone number of any person unless such use is otherwise~~  
20 ~~specifically authorized by law;~~

21 ~~(4) not to allow access to the database by any~~  
22 ~~other person unless the use is approved in writing by the state~~  
23 ~~agency that created the database; and~~

24 ~~(5) to pay a royalty or other consideration to~~  
25 ~~the state as may be agreed upon by the state agency that~~

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1 ~~created the database.~~

2 ~~D.]~~ C. If more than one state agency is responsible  
3 for the information inserted in the database, the agencies  
4 shall enter into an agreement designating a lead agency. If  
5 the agencies cannot agree as to the designation of a lead state  
6 agency, the commission shall designate one of the state  
7 agencies as the lead agency to carry out the responsibilities  
8 set forth in this section.

9 ~~[E.]~~ D. Subject to any confidentiality provisions  
10 of law, any state agency may permit another state agency access  
11 to all or any portion of a computerized database created by a  
12 state agency.

13 ~~[F.]~~ E. If information contained in a database is  
14 searched, manipulated or retrieved or a copy of the database is  
15 made for any private or nonpublic use, a fee shall be charged  
16 by the state agency permitting access or use of the database.

17 ~~[G. Except as authorized by law or rule of the~~  
18 ~~commission, any person who reveals to any unauthorized person~~  
19 ~~information contained in a computer database or who uses or~~  
20 ~~permits the unauthorized use or access of any computer database~~  
21 ~~is guilty of a misdemeanor, and upon conviction the court shall~~  
22 ~~sentence that person to jail for a definite term not to exceed~~  
23 ~~one year or to payment of a fine not to exceed five thousand~~  
24 ~~dollars (\$5,000) or both. That person shall not be employed by~~  
25 ~~the state for a period of five years after the date of~~

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