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AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING PALM PRINTS OF PERSONS
ARRESTED.

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

SECTION 1. Section 29-3-8 NMSA 1978 (being Laws 1978,
Chapter 87, Section 1, as amended) is amended to read:

"29-3-8. FINGERPRINT AND PALM PRINT IMPRESSIONS OF
PERSONS ARRESTED--DISPOSITION.--

A. A person arrested for the commission of a
criminal offense amounting to a felony under the laws of this
state or any other jurisdiction shall be required by the
arresting peace officer or the jail to make fingerprint and
palm print impressions prior to the person's release. The
arresting peace officer or the jail shall obtain fingerprint
and palm print impressions and a photograph each time a
person is arrested. At the time of fingerprinting and palm
printing, a state tracking number shall be assigned to the
fingerprint and palm print records and the booking sheet.

B. A person arrested for the commission of a
criminal offense not amounting to a felony but punishable by
imprisonment for more than six months under the laws of this
state or any political subdivision shall be required by the
arresting peace officer or the jail to make fingerprint and
palm print impressions prior to the person's release. The

1 arresting peace officer or the jail shall obtain fingerprint
2 and palm print impressions and a photograph each time a
3 person is arrested. At the time of fingerprinting and palm
4 printing, a state tracking number shall be assigned to the
5 fingerprint and palm print records and the booking sheet.

6 C. A person arrested for violating a provision of
7 Section 66-8-102 NMSA 1978 or committing a violation of a
8 municipal or county ordinance prescribing criminal penalties
9 for driving while under the influence of intoxicating liquor
10 or drugs shall be required by the arresting peace officer or
11 the jail to make fingerprint and palm print impressions prior
12 to the person's release. The arresting peace officer or the
13 jail shall obtain fingerprint and palm print impressions and
14 a photograph each time a person is arrested. At the time of
15 fingerprinting and palm printing, a state tracking number
16 shall be assigned to the fingerprint and palm printing
17 records and the booking sheet.

18 D. Fingerprint and palm print impressions shall be
19 made pursuant to rules adopted by the department.

20 Fingerprint and palm print record submission policies and a
21 state tracking number system for fingerprint and palm print
22 records shall be implemented pursuant to rules adopted by the
23 department. All felony, misdemeanor and DWI arrest
24 fingerprints and palm prints shall be made in duplicate.

25 Both copies and a photograph of the person arrested shall be

1 forwarded to the department within five days following the
2 date of arrest. The department shall forward one copy to the
3 federal bureau of investigation in Washington, D.C.

4 E. An inmate who is charged with a felony or
5 misdemeanor offense while incarcerated shall be
6 fingerprinted, palm printed and photographed, and the jail or
7 corrections facility shall forward the offender's fingerprint
8 and palm print records and photograph to the department.

9 F. The administrative office of the courts shall
10 provide to the department the disposition of all criminal
11 cases assigned a state tracking number. The disposition
12 shall be provided in electronic format, promptly upon the
13 conclusion of the case.

14 G. The administrative office of the district
15 attorneys shall provide to the department the disposition of
16 all criminal cases assigned a state tracking number, when the
17 district attorney decides not to file charges in the case.
18 The disposition shall be provided in electronic format,
19 promptly upon a district attorney's decision not to file
20 charges in the case.

21 H. Law enforcement agencies, the administrative
22 office of the courts and the administrative office of the
23 district attorneys may allow the department access to their
24 records for the purpose of auditing those records to ensure
25 compliance with the provisions of this section."