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HOUSE BILL 251

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Greg Nibert and Peter Wirth

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING THAT SECURITY SYSTEM RECORDS ARE EXEMPTED FROM DISCLOSURE UNDER THE INSPECTION OF PUBLIC RECORDS ACT.

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

SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--
Every person has a right to inspect public records of this state except:

A. records pertaining to physical or mental examinations and medical treatment of persons confined to an institution;

B. letters of reference concerning employment, licensing or permits;

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1 C. letters or memoranda that are matters of opinion
2 in personnel files or students' cumulative files;

3 D. portions of law enforcement records that reveal:

4 (1) confidential sources, methods or
5 information; or

6 (2) before charges are filed, names, address,
7 contact information or protected personal identifier
8 information [~~as defined in this act~~] of individuals who are:

9 (a) accused but not charged with a
10 crime; or

11 (b) victims of or non-law-enforcement
12 witnesses to an alleged crime of: 1) assault with intent to
13 commit a violent felony pursuant to Section 30-3-3 NMSA 1978
14 when the violent felony is criminal sexual penetration; 2)
15 assault against a household member with intent to commit a
16 violent felony pursuant to Section 30-3-14 NMSA 1978 when the
17 violent felony is criminal sexual penetration; 3) stalking
18 pursuant to Section 30-3A-3 NMSA 1978; 4) aggravated stalking
19 pursuant to Section 30-3A-3.1 NMSA 1978; 5) criminal sexual
20 penetration pursuant to Section 30-9-11 NMSA 1978; or 6)
21 criminal sexual contact pursuant to Section 30-9-12 NMSA 1978.

22 Law enforcement records include evidence in any form
23 received or compiled in connection with a criminal
24 investigation or prosecution by a law enforcement or
25 prosecuting agency, including inactive matters or closed

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1 investigations to the extent that they contain the information
2 listed in this subsection; provided that the presence of such
3 information on a law enforcement record does not exempt the
4 record from inspection;

5 E. as provided by the Confidential Materials Act;

6 F. trade secrets, attorney-client privileged
7 information and long-range or strategic business plans of
8 public hospitals discussed in a properly closed meeting;

9 G. tactical response plans or procedures prepared
10 for or by the state or a political subdivision of the state,
11 the publication of which could reveal specific vulnerabilities,
12 risk assessments or tactical emergency security procedures that
13 could be used to facilitate the planning or execution of a
14 terrorist attack; [~~and~~]

15 H. records of the security system of a publicly
16 accessible facility of the state or a political subdivision of
17 the state, disclosure of which would reveal information that
18 could be used to plan or execute an attack on a public facility
19 or person; and

20 [~~H.~~] I. as otherwise provided by law."