

LFC Requester:	Joseph Simon
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/8/25 *Check all that apply:*
Bill Number: SB 36a Original ☐ Correction ☐
Amendment ☒ Substitute ☐

Sponsor:	Antoinette Sedillo Lopez & Cristina Parajon	Agency Name and Code	790 – Department of Public Safety
Short Title:	Sensitive Personal Information Non-Disclosure	Number:	
		Person Writing	<u>Kiki Arellano</u>
		Phone: <u>505-479-</u>	Email: <u>Kiki.arellano@dps.nm</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	N/A	N/A	

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

AMENDMENT

Senate Bill 36a modifies section 3 (E) to replace ‘made to or by a court in the course of a judicial proceeding or made in a court record’ with ‘made to or by a court or administrative tribunal in the course of a judicial or administrative proceeding or made in a court or administrative tribunal record’.

BILL SUMMARY

Prohibits an employee of a state agency from intentionally disclosing sensitive personal information acquired through the employee’s position to anyone outside a state agency unless such disclosure is necessary or required. Provides for penalties.

“Sensitive personal information” means a person’s status as a recipient of public assistance or as a crime victim; sexual orientation, gender identity, physical or mental disability, medical condition, immigration status, national origin, or religion; and social security number. In respect to the Motor Vehicle Code, it also includes information about the titling or registration of a vehicle, administration of the Ignition Interlock Licensing Act, or an identification card issued pursuant to the Motor Vehicle Code.

Information may only be disclosed when it is necessary to carry out an agency function or to comply with a court order or subpoena; required by the Inspection of Public Records Act or federal statute; made to or by a court or administrative tribunal in a judicial or administrative proceeding or court or administrative tribunal record; made to a state contractor who needs the information to perform contractual obligations; made pursuant to the Whistleblower Act; expressly permitted by the federal HIPA Act; or made with the written consent of the person involved.

Violation of the act is a civil penalty of \$250 per violation, not to exceed \$5,000.

FISCAL IMPLICATIONS

The amendment has no fiscal implications for DPS.

SIGNIFICANT ISSUES

The amendment has no significant issues for DPS.

This bill prohibits employees from disclosing sensitive personal information unless certain conditions are met. DPS would need to ensure compliance with these restrictions, particularly in cases where information is requested by other agencies or external parties. This may have an impact on current data-sharing agreements and operations that require the exchange of such information for law enforcement purposes. In some situations, DPS may need to access sensitive personal information for investigations or law enforcement activities.

This bill mandates strict limitations on the disclosure of such data, which could create challenges in cases where sensitive information is essential to ongoing investigations or public safety functions. Language regarding exceptions for law enforcement may be necessary.

The bill specifies civil penalties for violations with fines ranging from \$250 to \$5,000 per violation. DPS will need to establish policies and training to prevent inadvertent violations, as well as a system to address potential breaches of sensitive data. Failure to comply could result in costly penalties and legal challenges for DPS.

The requirements in this bill may complicate access to and production of certain types of public records under the Inspection of Public Records Act (IPRA), especially regarding sensitive information. This could lead to delays in fulfilling public records requests and necessitate clearer guidelines for handling requests involving sensitive personal information, particularly for journalists, researchers, or advocacy groups. This may be

burdensome to DPS given the number of requests that come into the agency.

DPS will need to work with other state agencies to make sure that they are all in compliance with the new rules, particularly with information that may be shared for various functions, including court orders, administrative processes, and contractor agreements.

While DPS does not participate in enforcing immigration laws, it does maintain close working relationships with its federal law enforcement counterparts. The bill's impact will largely depend on how it aligns with federal mandates and the potential legal complexities surrounding the sharing of personal data for enforcement purposes. It may provide clarity on privacy protections but also presents challenges in terms of cooperation between state and federal entities.

PERFORMANCE IMPLICATIONS

The amendment has no performance implications for DPS.

ADMINISTRATIVE IMPLICATIONS

The amendment has no administrative implications for DPS.

This legislation could require additional training for DPS personnel to comply with new state requirements and federal mandates.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The amendment has no conflict for DPS.

TECHNICAL ISSUES

The amendment has no technical issues for DPS.

This legislation could require additional training for DPS personnel to comply with new state requirements and federal mandates.

OTHER SUBSTANTIVE ISSUES

The amendment has no substantive issues for DPS.

ALTERNATIVES

The amendment has no alternatives for DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

There are no amendments for DPS.