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HOUSE BILL 219

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT CERTAIN LAW  
ENFORCEMENT RECORDS MAY BE WITHHELD FROM PUBLIC INSPECTION;  
AMENDING SECTIONS OF THE NMSA 1978.

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 any public records of this  
state except:

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

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

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1 C. letters or memorandums [~~which~~] that are matters  
2 of opinion in personnel files or students' cumulative files;

3 D. law enforcement records that reveal confidential  
4 sources, methods or information [~~or individuals accused but not~~  
5 ~~charged with a crime~~] that if disclosed would seriously  
6 interfere with the effectiveness of an investigation. Law  
7 enforcement records include evidence in any form received or  
8 compiled in connection with any criminal investigation or  
9 prosecution by any law enforcement or prosecuting agency,  
10 including inactive matters or closed investigations to the  
11 extent that they contain the information listed above;

12 E. as provided by the Confidential Materials Act;  
13 and

14 F. as otherwise provided by law. "

15 Section 2. Section 29-10-4 NMSA 1978 (being Laws 1975,  
16 Chapter 260, Section 4, as amended) is amended to read:

17 "29-10-4. CONFIDENTIALITY OF ARREST RECORDS. -- Arrest  
18 record information that reveals confidential sources, methods or  
19 information [~~or individuals accused but not charged with a crime~~  
20 ~~and that is maintained by the state or any of its political~~  
21 ~~subdivisions pertaining to any person charged with the~~  
22 ~~commission of any crime is confidential and dissemination or~~  
23 ~~revealing the contents of the record, except as provided in the~~  
24 ~~Arrest Record Information Act or any other law, is unlawful] is  
25 confidential and may be withheld from inspection if disclosure~~

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1 would seriously interfere with the effectiveness of an  
2 investigation. "

3 Section 3. EFFECTIVE DATE. -- The effective date of the  
4 provisions of this act is July 1, 1997.

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**State of New Mexico**  
**House of Representatives**

**FORTY-THIRD LEGISLATURE**

**FIRST SESSION, 1997**

February 12, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 219

has had it under consideration and reports same with  
recommendation that it DO NOT PASS, and thence referred to  
the APPROPRIATIONS AND FINANCE COMMITTEE.

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Respectfully submitted,

\_\_\_\_\_  
Thomas P. Foy, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 3 Against

Yes: 7

No: Foy, M P. Garcia, Pederson

Excused: King, Rios, Sanchez

Absent: None

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
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**Respectfully submitted,**

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**Thomas P. Foy, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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