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HOUSE BILL 227

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Matthew McQueen

AN ACT

RELATING TO PUBLIC RECORDS; REMOVING A REQUIREMENT THAT FOR A PERSON TO OBTAIN A PUBLIC DATABASE FROM A STATE AGENCY, THE PERSON MUST AGREE NOT TO USE IT FOR A POLITICAL PURPOSE UNLESS APPROVED IN WRITING BY THE STATE AGENCY THAT CREATED THE DATABASE.

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

SECTION 1. Section 14-3-15.1 NMSA 1978 (being Laws 1986, Chapter 81, Section 9, as amended) is amended to read:

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

A. Except as otherwise provided by federal or state law, information contained in information systems databases shall be a public record and shall be subject to disclosure in printed or typed format by the state agency that has inserted

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1 that information into the database, in accordance with the
2 Public Records Act, upon the payment of a reasonable fee for
3 the service.

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

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

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

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

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

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

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

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

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

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

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.