

HOUSE BILL 284

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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AN ACT

RELATING TO STATE GOVERNMENT; AMENDING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT ACT; REQUIRING THE USE OF STATE-ISSUED
ELECTRONIC DEVICES WHEN PERFORMING DEPARTMENTAL DUTIES;
REQUIRING THE BACKUP AND RETENTION OF ELECTRONIC RECORDS.

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

SECTION 1. A new section of the Children, Youth and
Families Department Act is enacted to read:

"NEW MATERIAL] ELECTRONIC RECORDS--RETENTION.--

A. Employees of the department shall only use
electronic devices issued by the department to employees for
communication related to the performance of duties within the
scope of their employment by the department. An employee's
failure to comply with the provisions of this subsection may
constitute grounds for immediate termination of employment by

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1 the department.

2 B. Electronic devices issued by the department to
3 employees shall only include software and applications that are
4 compliant with federal, state, local, territorial and tribal
5 data retention and protection laws.

6 C. By January 1, 2025, the department shall
7 implement a system, approved by the department of information
8 technology, that will back up on an hourly basis all electronic
9 records generated or received by employees of the department
10 related to the performance of their duties within the scope of
11 their employment by the department.

12 D. During the term of an employee's employment by
13 the department, and for a period of at least twenty-four years
14 after the termination of an employee's employment by the
15 department, the department shall retain all electronic records
16 stored on electronic devices used by department employees and
17 all electronic records that have been backed up from electronic
18 devices used by department employees.

19 E. As used in this section:

20 (1) "back up" means to electronically copy in
21 a recoverable format to a searchable database maintained by the
22 department all electronic records generated by or contained
23 within an electronic device;

24 (2) "electronic device" means a telephone,
25 tablet, computer, watch or similar device used to generate,

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1 store or transfer information; and

2 (3) "electronic records" means information
3 generated by, transmitted by or stored on an electronic device,
4 including electronic mail, voicemail, text and instant
5 messages, documents and photographs, regardless of the platform
6 being used, including interagency communications."

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