AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING PALM PRINTS OF PERSONS ARRESTED.

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

SECTION 1. Section 29-3-8 NMSA 1978 (being Laws 1978, Chapter 87, Section 1, as amended) is amended to read:

"29-3-8. FINGERPRINT AND PALM PRINT IMPRESSIONS OF PERSONS ARRESTED--DISPOSITION.--

A. A person arrested for the commission of a criminal offense amounting to a felony under the laws of this state or any other jurisdiction shall be required by the arresting peace officer or the jail to make fingerprint and palm print impressions prior to the person's release. The arresting peace officer or the jail shall obtain fingerprint and palm print impressions and a photograph each time a person is arrested. At the time of fingerprinting and palm printing, a state tracking number shall be assigned to the fingerprint and palm print records and the booking sheet.

B. A person arrested for the commission of a criminal offense not amounting to a felony but punishable by imprisonment for more than six months under the laws of this state or any political subdivision shall be required by the arresting peace officer or the jail to make fingerprint and palm print impressions prior to the person's release. The
arresting peace officer or the jail shall obtain fingerprint
and palm print impressions and a photograph each time a
person is arrested. At the time of fingerprinting and palm
printing, a state tracking number shall be assigned to the
fingerprint and palm print records and the booking sheet.

C. A person arrested for violating a provision of
Section 66-8-102 NMSA 1978 or committing a violation of a
municipal or county ordinance prescribing criminal penalties
for driving while under the influence of intoxicating liquor
or drugs shall be required by the arresting peace officer or
the jail to make fingerprint and palm print impressions prior
to the person's release. The arresting peace officer or the
jail shall obtain fingerprint and palm print impressions and
a photograph each time a person is arrested. At the time of
fingerprinting and palm printing, a state tracking number
shall be assigned to the fingerprint and palm printing
records and the booking sheet.

D. Fingerprint and palm print impressions shall be
made pursuant to rules adopted by the department.
Fingerprint and palm print record submission policies and a
state tracking number system for fingerprint and palm print
records shall be implemented pursuant to rules adopted by the
department. All felony, misdemeanor and DWI arrest
fingerprints and palm prints shall be made in duplicate.

Both copies and a photograph of the person arrested shall be
forwarded to the department within five days following the
date of arrest. The department shall forward one copy to the
federal bureau of investigation in Washington, D.C.

E. An inmate who is charged with a felony or
misdemeanor offense while incarcerated shall be
fingerprinted, palm printed and photographed, and the jail or
corrections facility shall forward the offender's fingerprint
and palm print records and photograph to the department.

F. The administrative office of the courts shall
provide to the department the disposition of all criminal
cases assigned a state tracking number. The disposition
shall be provided in electronic format, promptly upon the
conclusion of the case.

G. The administrative office of the district
attorneys shall provide to the department the disposition of
all criminal cases assigned a state tracking number, when the
district attorney decides not to file charges in the case.
The disposition shall be provided in electronic format,
promptly upon a district attorney's decision not to file
charges in the case.

H. Law enforcement agencies, the administrative
office of the courts and the administrative office of the
district attorneys may allow the department access to their
records for the purpose of auditing those records to ensure
compliance with the provisions of this section."