

1 SENATE BILL 577

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Howie C. Morales

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10 AN ACT

11 RELATING TO DOMESTIC VIOLENCE; AMENDING THE FAMILY VIOLENCE
12 PROTECTION ACT TO PROVIDE SAFEGUARDS FOR THE CONFIDENTIAL
13 SUBSTITUTE ADDRESS INFORMATION OF A VICTIM OF DOMESTIC ABUSE;
14 REQUIRING THE SECRETARY OF STATE TO IMPLEMENT SECURITY
15 PROCEDURES, ACCESS RESTRICTIONS AND OTHER SAFEGUARDS RELATED TO
16 MAINTAINING SUBSTITUTE ADDRESS INFORMATION; PROVIDING AN
17 EXCEPTION TO THE INSPECTION OF PUBLIC RECORDS ACT TO PROTECT
18 THE CONFIDENTIAL SUBSTITUTE ADDRESS INFORMATION OF DOMESTIC
19 ABUSE VICTIMS.

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

22 SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947,
23 Chapter 130, Section 1, as amended) is amended to read:

24 "14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

25 A. Every person has a right to inspect public

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1 records of this state except:

2 (1) records pertaining to physical or mental
3 examinations and medical treatment of persons confined to an
4 institution;

5 (2) letters of reference concerning
6 employment, licensing or permits;

7 (3) letters or memoranda that are matters of
8 opinion in personnel files or students' cumulative files;

9 (4) law enforcement records that reveal
10 confidential sources, methods, information or individuals
11 accused but not charged with a crime. Law enforcement records
12 include evidence in any form received or compiled in connection
13 with a criminal investigation or prosecution by a law
14 enforcement or prosecuting agency, including inactive matters
15 or closed investigations to the extent that they contain the
16 information listed in this paragraph;

17 (5) any application for a substitute address
18 maintained by the secretary of state after being submitted by
19 or on behalf of a domestic abuse victim or the victim's
20 personal representative pursuant to Section 40-13-11 NMSA 1978;

21 [~~(5)~~] (6) as provided by the Confidential
22 Materials Act;

23 [~~(6)~~] (7) trade secrets, attorney-client
24 privileged information and long-range or strategic business
25 plans of public hospitals discussed in a properly closed

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1 meeting;

2 ~~[(7)]~~ (8) tactical response plans or
3 procedures prepared for or by the state or a political
4 subdivision of the state, the publication of which could reveal
5 specific vulnerabilities, risk assessments or tactical
6 emergency security procedures that could be used to facilitate
7 the planning or execution of a terrorist attack; and

8 ~~[(8)]~~ (9) as otherwise provided by law.

9 B. Protected personal identifier information
10 contained in public records may be redacted by a public body
11 before inspection or copying of a record. The presence of
12 protected personal identifier information on a record does not
13 exempt the record from inspection. Unredacted records that
14 contain protected personal identifier information shall not be
15 made available on publicly accessible web sites operated by or
16 managed on behalf of a public body."

17 SECTION 2. Section 40-13-11 NMSA 1978 (being Laws 2007,
18 Chapter 131, Section 1) is amended to read:

19 "40-13-11. SUBSTITUTE ADDRESS.--

20 A. A victim of domestic abuse, or the victim's
21 representative pursuant to Section 31-26-3 NMSA 1978, who has
22 good reason to believe that the victim's safety is at risk may
23 apply to the secretary of state for the use of the secretary of
24 state as a substitute address. The application shall be on a
25 form provided by the secretary of state and shall include:

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1 (1) a statement that the secretary of state is
2 acting as an agent of the victim for purposes of the forwarding
3 of mail;

4 (2) a mailing address for forwarding received
5 mail and a telephone number where the victim can be contacted
6 by the secretary of state;

7 (3) payment of a [~~seventy-five-dollar~~
8 ~~(\$75.00)~~] twenty-five-dollar (\$25.00) application fee, which
9 may be waived if the applicant is indigent; and

10 (4) the signature of the victim or the
11 victim's representative.

12 B. The secretary of state shall maintain [~~a~~] as
13 confidential [~~record~~] all records of applications for a
14 substitute address and shall:

15 (1) maintain all tangible copies of such
16 records in locked file cabinets, locked drawers or another
17 locked storage location;

18 (2) maintain all electronic forms of the
19 records in a password-protected system; and

20 (3) restrict access to the records only to
21 staff qualified for access pursuant to the provisions of
22 Subsection C of this section.

23 C. The secretary of state shall establish a
24 restricted access qualification system providing that staff
25 with access to the confidential substitute address records

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1 pursuant to this section shall:

2 (1) prior to gaining access, submit to and
3 pass a criminal background check to be completed by the
4 department of public safety; and

5 (2) successfully complete a forty-hour
6 domestic violence training course provided by the children,
7 youth and families department or sexual assault training
8 provided by the department of health or the New Mexico crime
9 victims reparation commission.

10 D. The secretary of state shall promulgate rules
11 and work with the department of public safety to implement the
12 procedures necessary to complete the background checks provided
13 for in Paragraph (1) of Subsection C of this section.

14 E. Pursuant to the Inspection of Public Records
15 Act, substitute address records of domestic abuse victims, as
16 provided for in this section, are exempt from public
17 inspection.

18 F. The secretary of state shall forward any mail
19 received on behalf of a victim of domestic abuse to the new
20 mailing address provided on the application."

21 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
22 provisions of this is July 1, 2013.