October 1, 2026

The Honorable Christine Chandler
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New Mexico State House
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RE: Recommendations from the Inspection of Public Records Act Task Force Established Pursuant to House Joint Memorial 2

Dear Chair Chandler, Vice Chair Cervantes, Chair Small, and Vice Chair Muñoz,

As directed by House Joint Memorial 2 (HJM 2), the Inspection of Public Records Act (IPRA) Task Force submits this letter to the interim Courts, Corrections & Justice Committee and the Legislative Finance Committee with its recommendations to improve IPRA's "workability and effectiveness in ensuring government transparency and serving the public interest."[1] This letter is not the final report of the Task Force and does not contain the full scope of the recommendations of the Task Force.

[1] See HJM 2.

The Task Force plans to submit a final report to the interim Courts, Corrections & Justice Committee and the Legislative Finance Committee by October 15, 2026. The report contains six sections: the Executive Summary; the Recommendation Sections, with Task Force majority and minority positions; Appendix A, a scope of work and activity summary; Appendix B, an analysis of the distribution of public comments; Appendix C, public comments received during Task Force meetings, through the Task Force comment submission portal, and from the official Task Force email; and Appendix D, public comments sent to the Task Force as email attachments. This final report will provide more explanation and discussion of each recommendation, as well as rejected recommendations.

Unanimously recognizing the need to review the implementation of IPRA, the New Mexico Legislature passed HJM 2 during the 2026 Legislative Session. HJM 2, led by Representative Cathrynn N. Brown and co-sponsored by Senator Natalie Figueroa and Representative Matthew McQueen, requested that the New Mexico Department of Justice (NMDOJ) "convene a task force to study the implementation of the Inspection of Public Records Act."[2] The NMDOJ contacted the Task Force entities listed in the joint memorial—the New Mexico Municipal League, the New Mexico Association of Counties, the New Mexico Foundation for Open Government, the American Civil Liberties Union of New Mexico, and the New Mexico Press Association—and appointed a plaintiff's attorney, a defense attorney, and a departmental representative to compose the requested eight-member Task Force.

Over the past five months, the Task Force has worked to compile and synthesize public comment, research on open records laws from across the country, and expertise and writing from Task Force members into final recommendations and a final report. As part of this work, the Task Force held eleven public listening meetings in Clovis, Roswell, Carlsbad, Alamogordo, Las Cruces, Silver City, Gallup, Farmington, Las Vegas, Santa Fe, and Albuquerque and received a total of 312 comments in person and digitally. The Task Force also held seven deliberative meetings and dedicated additional time through the formation of subcommittees to robustly engage with issues identified by the public and Task Force members. Because of the structure of the Task Force's work plan, its recommendations and final report are truly collaborative endeavors sourced from various perspectives and areas of knowledge of IPRA.

Today, the Task Force, with opposing and abstaining members noted, presents the following recommendations:

1) Data: Implement, via statutory amendment or regulation, standardized, statewide reporting of public records/IPRA program data to a single location, potentially subject to a reporting threshold.

[2] See HJM 2.

Seven members in favor with Ms. Martinez, New Mexico Municipal League Task Force appointee, opposed.

2) Training: Expand the amount and content of IPRA training, informed by a deeper review of records custodians' needs and the NMDOJ's training budget.

   Seven members in favor with Mr. Walker Boyd (proxy for Mr. Eshleman, New Mexico Association of Counties Task Force appointee) opposed.

3) Credentialing: Create and fund a credentialing program in public records generally or in specific areas of IPRA, whether through a state agency or in partnership with a New Mexico university.

   Seven members in favor with Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

4) Paper Records: Increase funding for digitization and enterprise content management platforms, with potential alignment to priorities such as digitizing large-format building plans.

   All members in favor.

5) Proactive Publication and Potential Creation of Portal for Traffic Accident Reports: Identify record classes that could be published proactively without redaction concerns and separately pursue a public-facing portal allowing members of the public to obtain their own traffic accident reports.

   All members in favor.

6) IPRA Program Technology: Establish a grant program to help public bodies purchase management and redaction software for public records requests.

   Seven members in favor with Mr. Stalter not voting.

7) Protection of Children and Other Victims: The Task Force recommends a coordinated review of the Children's Code, victims' rights statutes, and IPRA-related confidentiality provisions to strengthen and clarify protections for children and vulnerable victims. The review should include CYFD, children's advocacy organizations, victims' advocates, law enforcement entities including the New Mexico Department of Justice, criminal defense attorneys, transparency advocates, and other affected parties. Particular attention should be given to whether confidentiality protections should follow sensitive records when those records are transferred to or held by law enforcement, district attorneys or other public bodies. The review should also consider expanding protection of identifying information for juvenile victims and witnesses and victims of additional serious offenses, while preserving appropriate access for attorneys, courts and authorized parties. Any changes should protect sensitive victim information without creating overly broad exemptions that unnecessarily hinder public oversight of government.

   Seven members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed.

8) The Task Force recommends that the New Mexico Legislature adopt a statutory scheme to require out-of-state requests for body camera footage to pay a rate for review of body

camera footage that reflects the actual cost of review and redaction. Any residency or requestor classification should also account for victims' rights, indigency, those who are unhoused, legitimate newsgathering, and other circumstances in which an out-of-state requestor has a legitimate interest in New Mexico public records. If the law allows for such fees, it should require that any fees collected under these provisions be dedicated to increasing resources for IPRA compliance and proactive transparency, including staffing, technology, training and redaction capabilities.

Six members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed, and Mr. Eshleman, New Mexico Association of Counties Task Force appointee, abstaining.

9) The Legislature should consider establishing an entity, such as an IPRA Ombudsman or similar Office, to provide assistance to records requestors and custodians alike through educational materials, trainings, and immediate advice (e.g., via a hotline). This ombudsman entity may act as an alternate pathway to resolve disputes aside from litigation through the issuance of non-binding advisory opinions and informal mediation. Additionally, the entity may have the power to collect data on governmental entities' IPRA implementation and regularly submit such data to the Legislature.

   Six members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed.

10) The Task Force recommends that the Legislature consider articulating a non-exclusive set of factors for courts to consider when awarding statutory per diem penalties under Section 14-2-11 and when determining whether a denial is unreasonable.

    Five members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed, and Ms. Mills, New Mexico Press Association Task Force appointee, abstaining.

11) The Task Force recommends that the Legislature establish a duty to respond wherein a requestor must respond to a custodian's good-faith request for payment of fees authorized under IPRA within a specified timeline, or the request may be closed.

    All members in favor.

The Task Force wishes to thank Representative Brown, Senator Figueroa, and Representative McQueen for championing this work, and the individuals, organizational and company representatives, and governmental officials and affiliates who deeply informed these recommendations through their public comments. The Task Force looks forward to sharing the full breadth of its work in its full report, which will be sent to the interim Courts, Corrections & Justice Committee and the Legislative Finance Committee by October 15, 2026.

Sincerely,

Member Michael Eshleman
New Mexico Association of Counties

Member Rebecca Martinez
New Mexico Municipal League

Member Belinda Mills
New Mexico Press Association

Member Lalita Moskowitz
American Civil Liberties Union of New Mexico

Member Kenneth Stalter
Plaintiff's attorney

Member Ethan Watson
Defense attorney

Member Greg Williams
New Mexico Foundation for Open Government

Chair Madeleine Zaritsky
New Mexico Department of Justice