

Opinion No. 49-5208

April 11, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: Victor Salazar Commissioner of Revenue Bureau of Revenue Santa Fe, New Mexico

{*32} In reply to your request for an opinion as to under what authority you could furnish information to county clerks or any other person or official as to the amount of taxes to be paid, etc., I refer you to Chapter 130 of the Laws of 1947, which reads as follows:

"Section 1. Every citizen of this State has a right to inspect any public records of this State except records pertaining to physical or mental examinations and medical treatment of persons confined to any institutions and except as otherwise provided by law.

"Section 2. All officers having the custody of any state, county, school, city or town records in this State shall furnish proper and reasonable opportunities for the inspection and examination of all the records requested of their respective offices and reasonable facilities for making memoranda abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose.

"Section 3. If any officer having the custody of any state, county, school, city or town records in this state shall refuse to any citizen of this {*33} state the right to inspect any public records of this state, as provided in this Act, such officer shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than Two Hundred and Fifty Dollars (\$ 250.00) nor more than Five Hundred Dollars (\$ 500.00), or be sentenced to not less than sixty (60) days nor more than six (6) months in jail, or both such fine and imprisonment for each separate violation."

In addition to this it is noted that under Chapter 130 of the Laws of 1947, records may be inspected only by persons having occasion to make examination of them for any lawful purpose.

Thus, even if Chapter 130 would apply, only persons having a lawful interest could inspect them or get the information they request.