

1 HOUSE BILL 628

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Daymon Ely

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; DEFINING "NATIONAL CRIMINAL HISTORY
12 RECORD CHECK"; CREATING A FUND; MAKING AN APPROPRIATION.

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

15 SECTION 1. [NEW MATERIAL] ALLOWING PARTICIPATION IN
16 FEDERAL BUREAU OF INVESTIGATION PROGRAM--REQUIRING
17 AUTHORIZATION--REQUIRING RULEMAKING.--

18 A. Agencies authorized by statute to conduct
19 national criminal history record checks for individuals may
20 participate in the federal bureau of investigation program that
21 provides ongoing review and continuous evaluation of the
22 criminal history of individuals. The department of public
23 safety shall serve as an intermediary between the federal
24 bureau of investigation and authorized state agencies by
25 collecting requests from state agencies and providing them to

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1 the federal bureau of investigation. The department of public
2 safety shall submit fingerprints to the federal bureau of
3 investigation's system of ongoing review and continuous
4 evaluation of the criminal history of individuals for the
5 purpose of future searches of the system.

6 B. Authorized agencies participating in the federal
7 bureau of investigation program shall pay the actual cost of
8 subscription fees to the department of public safety. Pursuant
9 to Section 2 of this act, the department of public safety shall
10 pay subscription fees charged by the federal bureau of
11 investigation.

12 C. The department of public safety shall promulgate
13 rules pursuant to this section.

14 D. For purposes of this section, "national criminal
15 history record check" means a check of criminal history records
16 entailing the fingerprinting of the individual and submission
17 of the fingerprints to the federal bureau of investigation for
18 the purpose of obtaining the national criminal history record
19 of the person from the federal bureau of investigation.

20 SECTION 2. [NEW MATERIAL] FEDERAL BUREAU OF INVESTIGATION
21 SUBSCRIPTION FUND--FUND CREATED.--The "federal bureau of
22 investigation subscription fund" is created in the state
23 treasury. The fund consists of money appropriated by the
24 legislature to the fund and fees collected pursuant to Section
25 1 of this act. Money in the fund shall not revert to any other

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1 fund at the end of a fiscal year. The department of public
2 safety shall administer the fund, and money in the fund is
3 appropriated to the department of public safety to pay
4 subscription fees charged by the federal bureau of
5 investigation to agencies pursuant to Section 1 of this act.
6 Money in the fund shall be disbursed on warrant signed by the
7 secretary of finance and administration pursuant to vouchers
8 signed by the secretary of public safety.

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