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SENATE BILL 96

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

INTRODUCED BY

Bill B. O'Neill and Alonzo Baldonado

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO EMPLOYMENT OF EX-CONVICTS; PROHIBITING PRIVATE EMPLOYERS FROM INQUIRING ABOUT AN APPLICANT'S CONVICTION ON AN INITIAL EMPLOYMENT APPLICATION.

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

SECTION 1. Section 28-2-1 NMSA 1978 (being Laws 1974, Chapter 78, Section 1) is amended to read:

"28-2-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~  
Chapter 28, Article 2 NMSA 1978 may be cited as the "Criminal Offender Employment Act"."

SECTION 2. A new section of the Criminal Offender Employment Act is enacted to read:

"[NEW MATERIAL] EMPLOYMENT ELIGIBILITY DETERMINATION-- PRIVATE EMPLOYERS.--If a private employer uses a written or electronic employment application, the employer shall not make

underscoring material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 an inquiry regarding an applicant's conviction on the  
2 employment application but may take into consideration an  
3 applicant's conviction after review of the applicant's  
4 application and upon discussion of employment with the  
5 applicant. Nothing in this section shall prohibit an employer  
6 from notifying an applicant that the law or the employer's  
7 policy could disqualify an applicant who has a certain criminal  
8 history from employment in particular positions with that  
9 employer."

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