

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

February 24, 2021

Mr. Speaker:

Your **STATE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 96

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 3, between lines 1 and 2, insert the following new section:

"SECTION 2. Section 28-2-4 NMSA 1978 (being Laws 1974, Chapter 78, Section 4, as amended by Laws 1997, Chapter 238, Section 5 and also by Laws 1997, Chapter 251, Section 1) is amended to read:

"28-2-4. POWER TO REFUSE, RENEW, SUSPEND OR REVOKE PUBLIC EMPLOYMENT OR LICENSE.--

A. Any board or other agency having jurisdiction over employment by the state or any of its political subdivisions or the practice of any trade, business or profession may refuse to grant or renew or may suspend or revoke any public employment or license or other authority to engage in the public employment, trade, business or profession for any one or any combination of the following causes:

(1) where the applicant, employee or licensee has been convicted of a felony [~~or a misdemeanor involving moral turpitude~~] and the criminal conviction directly relates to the particular employment, trade, business or profession; or

~~[(2) where the applicant, employee or licensee has been convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction does not directly relate to the particular employment, trade, business or profession, if the board or other agency determines after investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust; or~~

~~(3)]~~ (2) where the applicant, employee or licensee has been convicted of homicide, kidnapping, trafficking in controlled substances, criminal sexual penetration or related sexual

offenses or child abuse and the applicant, employee or licensee has applied for reinstatement, renewal or issuance of a teaching certificate, a license to operate a child-care facility or employment at a child-care facility, regardless of rehabilitation.

B. The board or other agency shall explicitly state in writing the reasons for a decision [~~which~~] that prohibits the person from engaging in the employment, trade, business or profession if the decision is based in whole or in part on conviction of any crime described in Paragraphs (1) and [~~(3)~~] (2) of Subsection A of this section. [~~Completion of probation or parole supervision or expiration of a period of three years after final discharge or release from any term of imprisonment without any subsequent conviction shall create a presumption of sufficient rehabilitation for purposes of Paragraph (2) of Subsection A of this section.~~]".

2. Renumber the succeeding sections accordingly.,

Respectfully submitted,

Georgene Louis, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 6 For 3 Against
Yes: 6
No: Nibert, Rehm, Zamora
Excused: None
Absent: None