

1 SENATE BILL
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY
4 Katy M. Duhigg
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10 AN ACT

11 RELATING TO EMPLOYMENT; PROVIDING THAT THE CRIMINAL OFFENDER
12 EMPLOYMENT ACT DOES NOT APPLY TO CERTAIN AGENCIES; REQUIRING
13 EXEMPT AGENCIES TO PROMULGATE RULES RELATED TO CRIMINAL HISTORY
14 SCREENING; DECLARING AN EMERGENCY.
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 28-2-5 NMSA 1978 (being Laws 1974,
18 Chapter 78, Section 5) is amended to read:

19 "28-2-5. NONAPPLICABILITY TO [~~LAW ENFORCEMENT~~]
20 AGENCIES.--

21 A. The Criminal Offender Employment Act is not
22 applicable to:

- 23 (1) any law enforcement agency [~~however~~];
24 (2) the early childhood education and care
25 department for consideration of an applicant for licensure,

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

- 1 registration or employment at a child care facility;
- 2 (3) an agency for consideration of an
- 3 applicant for employment as a caregiver or hospital caregiver
- 4 subject to the Caregivers Criminal History Screening Act;
- 5 (4) the children, youth and families
- 6 department; and
- 7 (5) the public education department for
- 8 consideration of an applicant for licensure under the School
- 9 Personnel Act.

10 B. Nothing [herein] in the Criminal Offender
11 Employment Act shall be construed to preclude [a law
12 enforcement] an exempt agency in its discretion from adopting
13 the policy set forth [herein] in that act.

14 C. An agency exempted pursuant to Subsection A of
15 this section shall promulgate rules related to criminal history
16 screening for the purpose of determining eligibility."

17 **SECTION 2. EMERGENCY.**--It is necessary for the public
18 peace, health and safety that this act take effect immediately.