

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**SENATE BILL 651**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Cynthia L. Nava**

**AN ACT**

**RELATING TO EMPLOYMENT; PROVIDING AUTHORITY TO DENY, SUSPEND  
OR REVOKE EMPLOYMENT FOR CERTAIN CRIMINAL OFFENDERS SEEKING  
EMPLOYMENT IN PUBLIC EDUCATION; AMENDING A SECTION OF THE  
CRIMINAL OFFENDER EMPLOYMENT ACT.**

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

**Section 1. 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**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 profession may refuse to grant or renew or may suspend or  
2 revoke any public employment or license or other authority to  
3 engage in the public employment, trade, business or profession  
4 for any one or any combination of the following causes:

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

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

17 (3) [~~where~~] when the applicant, employee or  
18 licensee has been convicted of murder in the first degree,  
19 murder in the second degree, voluntary manslaughter,  
20 kidnapping, trafficking in controlled substances, criminal  
21 sexual penetration or related sexual offenses or child abuse  
22 and the applicant, employee or licensee has applied for  
23 reinstatement, renewal or issuance of a teaching certificate,  
24 a license to operate a child-care facility or employment at a  
25 child-care facility, regardless of rehabilitation; or

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(4) when the applicant for a teaching certificate or applicant for employment in public education has been convicted of a felony or a misdemeanor involving moral turpitude, regardless of rehabilitation, and has not completed the term of his probation or parole, satisfied the conditions of his probation or parole or is a fugitive from justice in another jurisdiction.

B. The board or other agency shall explicitly state in writing the reasons for a decision which 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) 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. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2001.