AN ACT

RELATING TO EMPLOYMENT; PROHIBITING PROSPECTIVE EMPLOYERS
FROM REQUESTING OR REQUIRING A PROSPECTIVE EMPLOYEE TO
PROVIDE A PASSWORD OR ACCESS TO THE PROSPECTIVE EMPLOYEE'S
SOCIAL NETWORKING ACCOUNT.

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

SECTION 1.   REQUEST FOR ACCESS TO SOCIAL NETWORKING
ACCOUNT PROHIBITED.--

A.   It is unlawful for an employer to request or
require a prospective employee to provide a password in order
to gain access to the prospective employee's account or
profile on a social networking web site or to demand access
in any manner to a prospective employee's account or profile
on a social networking web site.

B.   Nothing in this section shall limit an
employer's right to:

(1)   have policies regarding work place
internet use, social networking site use and electronic mail
use; and

(2)   monitor usage of the employer's
electronic equipment and the employer's electronic mail
without requesting or requiring a prospective employee to
provide a password in order to gain access to the prospective
employee's account or profile on a social networking web

site.

C.   Nothing in this section shall prohibit an employer from obtaining information about a prospective employee that is in the public domain.

D.   Nothing in this section shall apply to a federal, state or local law enforcement agency. Nothing in this section shall prohibit federal, state or local government agencies or departments from conducting background checks as required by law.

E.   As used in this section, "social networking web site" means an internet-based service that allows individuals to:

(1)   construct a public or semi-public profile within a bounded system created by the service;

(2)   create a list of other users with whom they share a connection within the system; and

(3)   view and navigate their list of connections and those made by others within the system.