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HOUSE BILL 160

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Yvette Herrell

AN ACT

RELATING TO KINSHIP GUARDIANSHIP; REQUIRING CRIMINAL HISTORY RECORDS CHECKS FOR PERSONS SEEKING APPOINTMENT AS KINSHIP GUARDIANS; PROVIDING PENALTIES.

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

SECTION 1. Section 40-10B-1 NMSA 1978 (being Laws 2001, Chapter 167, Section 1) is amended to read:

"40-10B-1. SHORT TITLE.--~~[This act]~~ Chapter 40, Article 10B NMSA 1978 may be cited as the "Kinship Guardianship Act".

SECTION 2. A new section of the Kinship Guardianship Act is enacted to read:

"[NEW MATERIAL] CRIMINAL HISTORY RECORDS CHECKS.--

A. A nationwide criminal history records check shall be conducted on a person who seeks appointment as a guardian pursuant to the Kinship Guardianship Act. A person

.195810.1

underscored material = new  
[bracketed material] = delete

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1 who seeks appointment as a guardian shall provide the children,  
2 youth and families department with a set of the person's  
3 fingerprints. The department is authorized to use the person's  
4 fingerprints to conduct a background check of the person by  
5 submitting the fingerprints to the department of public safety  
6 and the federal bureau of investigation.

7 B. Criminal history records obtained by the  
8 children, youth and families department pursuant to the  
9 provisions of this section are confidential. Criminal history  
10 records obtained pursuant to the provisions of this section  
11 shall not be used for any purpose other than conducting  
12 background checks. Criminal history records obtained pursuant  
13 to the provisions of this section and the information contained  
14 in those records shall not be released or disclosed to any  
15 other person or agency, except pursuant to a court order or  
16 with the written consent of the person who is the subject of  
17 the records.

18 C. A person who releases or discloses criminal  
19 history records or information contained in those records in  
20 violation of the provisions of this section is guilty of a  
21 misdemeanor and shall be sentenced pursuant to the provisions  
22 of Section 31-19-1 NMSA 1978."

23 SECTION 3. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2014.