

1 SENATE BILL 583

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Bill B. O'Neill and Alonzo Baldonado

5
6
7
8
9
10 AN ACT

11 RELATING TO CRIMINAL OFFENDERS; AMENDING SECTION 28-2-3 NMSA
12 1978 (BEING LAWS 1974, CHAPTER 78, SECTION 3, AS AMENDED).

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 28-2-3 NMSA 1978 (being Laws 1974,
16 Chapter 78, Section 3, as amended) is amended to read:

17 "28-2-3. EMPLOYMENT ELIGIBILITY DETERMINATION.--

18 A. ~~[Subject to the provisions of Subsection B of~~
19 ~~this section and Sections 28-2-4 and 28-2-5 NMSA 1978]~~ Except
20 as otherwise provided in the Criminal Offender Employment Act,
21 in determining eligibility for any private employment or
22 employment with the state or any of its political subdivisions
23 or for a license, permit, certificate or other authority to
24 engage in any regulated trade, business or profession, the
25 employer or the board or other department or agency having

.200308.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 jurisdiction may take into consideration a conviction, but the
2 conviction shall not operate as an automatic bar to obtaining
3 private or public employment or license or other authority to
4 practice the trade, business or profession. An employer or a
5 board, department or agency of the state or any of its
6 political subdivisions shall not make an inquiry regarding a
7 conviction on an initial application for employment and shall
8 only take into consideration a conviction after the applicant
9 has been selected as a finalist for the position.

10 B. The following criminal records shall not be
11 used, distributed or disseminated in connection with an
12 application for any [~~public~~] employment, license or other
13 authority:

14 (1) records of arrest not followed by a valid
15 conviction; and

16 (2) misdemeanor convictions not involving
17 moral turpitude."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2015.