

1 SENATE BILL 302  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY  
4 Nicholas A. Paul  
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10 AN ACT

11 RELATING TO GAMING; REQUIRING A BACKGROUND INVESTIGATION OF  
12 CONTRACTORS SEEKING UNESCORTED ACCESS TO FACILITIES OF THE  
13 GAMING CONTROL BOARD; AMENDING APPLICATION AND RENEWAL  
14 REQUIREMENTS FOR GAMING LICENSES, CERTIFICATIONS OF FINDINGS  
15 SUITABILITY AND WORK PERMITS; PROVIDING FOR BACKGROUND  
16 INVESTIGATIONS OF APPLICANTS FOR A LICENSE OR PERMIT ISSUED  
17 PURSUANT TO THE NEW MEXICO BINGO AND RAFFLE ACT.  
18

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

20 SECTION 1. Section 60-2E-11 NMSA 1978 (being Laws 1997,  
21 Chapter 190, Section 13, as amended) is amended to read:

22 "60-2E-11. INVESTIGATION OF EXECUTIVE DIRECTOR CANDIDATES  
23 AND EMPLOYEES.--

24 A. A person who is under consideration in the final  
25 selection process for appointment as the executive director

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1 shall file a disclosure statement pursuant to the requirements  
2 of this section, and the board shall not make an appointment of  
3 a person as executive director until a background investigation  
4 is completed by the department of public safety and a report is  
5 made to the board.

6 B. A person who has reached the final selection  
7 process for employment by the executive director shall file a  
8 disclosure statement pursuant to the requirements of this  
9 section if the executive director or the board has directed the  
10 person do so. The person shall not be further considered for  
11 employment until a background investigation is completed by the  
12 board's law enforcement officers and a report is made to the  
13 executive director.

14 C. A person who is a contractor seeking unescorted  
15 access to a facility of the board shall file a disclosure  
16 statement pursuant to the requirements of this section. The  
17 contractor shall not be provided unescorted access to the  
18 facility until the enforcement division of the board completes  
19 a background investigation and a report is made to the  
20 executive director. Submission of a disclosure statement shall  
21 constitute consent to a national criminal background check and  
22 any other background investigations required pursuant to the  
23 Gaming Control Act or deemed necessary by the board.

24 [~~C.~~] D. Forms for the disclosure statements  
25 required by this section shall be developed by the board in

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1 cooperation with the department of public safety. At least the  
2 following information shall be required of a person submitting  
3 a statement:

4 (1) a full set of fingerprints made by a law  
5 enforcement agency on forms supplied by the board;

6 (2) complete information and details with  
7 respect to the person's antecedents, habits, immediate family,  
8 character, criminal record, business activities and business  
9 associates, covering at least a ten-year period immediately  
10 preceding the date of submitting the disclosure statement; and

11 (3) a complete description of any equity  
12 interest held in a business connected with the gaming industry.

13 ~~[D-]~~ E. In conducting a background investigation  
14 and preparing an investigative report, the board's law  
15 enforcement officers may request and receive criminal history  
16 information from the federal bureau of investigation or any  
17 other law enforcement agency or organization. The board's law  
18 enforcement officers shall maintain confidentiality regarding  
19 information received from a law enforcement agency that may be  
20 imposed by the agency as a condition for providing the  
21 information to the department, except that the board's law  
22 enforcement officers may provide criminal history information  
23 and reports to licensees or tribal gaming casinos when  
24 conducting background checks on behalf of the licensee or  
25 tribal gaming casino.

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1           ~~[E-]~~ F. A person required to file a disclosure  
2 statement shall provide any assistance or information requested  
3 by the department of public safety or the board and shall  
4 cooperate in any inquiry or investigation.

5           ~~[F-]~~ G. If information required to be included in a  
6 disclosure statement changes or if information is added after  
7 the statement is filed, the person required to file it shall  
8 provide that information in writing to the person requesting  
9 the investigation. The supplemental information shall be  
10 provided within thirty days after the change or addition.

11           ~~[G-]~~ H. The board shall not appoint a person as  
12 executive director, and the executive director shall not employ  
13 a person, if the board or the executive director has reasonable  
14 cause to believe that the person has:

15                   (1) knowingly misrepresented or omitted a  
16 material fact required in a disclosure statement;

17                   (2) been convicted of a felony, a gaming-  
18 related offense or a crime involving fraud, theft or moral  
19 turpitude within ten years immediately preceding the date of  
20 submitting a disclosure statement required pursuant to this  
21 section;

22                   (3) exhibited a history of willful disregard  
23 for the gaming laws of this or any other state or the United  
24 States; or

25                   (4) had a permit or license issued pursuant to

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1 the gaming laws of this or any other state or the United States  
2 permanently suspended or revoked for cause.

3 [H.] I. Both the board and the executive director  
4 may exercise absolute discretion in exercising their respective  
5 appointing and employing powers."

6 SECTION 2. Section 60-2E-14 NMSA 1978 (being Laws 1997,  
7 Chapter 190, Section 16, as amended) is amended to read:

8 "60-2E-14. LICENSURE--APPLICATION.--

9 A. The board shall establish and issue the  
10 following categories of licenses:

- 11 (1) manufacturer;
- 12 (2) distributor;
- 13 (3) gaming operator; and
- 14 (4) gaming machine.

15 B. The board shall issue certifications of findings  
16 of suitability for key executives and other persons for whom  
17 certification is required.

18 C. The board shall issue work permits for gaming  
19 employees.

20 D. A licensee shall not be issued more than one  
21 type of license, but this provision does not prohibit a  
22 licensee from owning, leasing, acquiring or having in the  
23 licensee's possession licensed gaming machines if that activity  
24 is otherwise allowed by the provisions of the Gaming Control  
25 Act. A licensee shall not own a majority interest in, manage

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1 or otherwise control a holder of another type of license issued  
2 pursuant to the provisions of that act.

3 E. An applicant for a license, a certification of  
4 finding of suitability or a work permit shall apply on forms  
5 provided by the board and shall furnish to the board [~~two sets~~  
6 ~~of fingerprint cards~~] a full set of fingerprints made by a law  
7 enforcement agency or the department of public safety's  
8 designee and all other information requested by the board.

9 Submission of an application constitutes consent to a national  
10 criminal background check of the applicant, a credit check of  
11 the applicant and all persons having a substantial interest in  
12 the applicant and any other background investigations required  
13 pursuant to the Gaming Control Act or deemed necessary by the  
14 board. The board may obtain from the taxation and revenue  
15 department copies of tax returns filed by or on behalf of the  
16 applicant or its affiliates and information concerning liens  
17 imposed on the applicant or its affiliates by the taxation and  
18 revenue department.

19 F. All licenses issued by the board pursuant to the  
20 provisions of this section, except for certifications of  
21 findings of suitability and work permits, shall be reviewed for  
22 renewal annually unless revoked, suspended, canceled or  
23 terminated. Certifications of findings of suitability and work  
24 permits issued by the board pursuant to the provisions of this  
25 section shall be reviewed for renewal every three years unless

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1 revoked, suspended, canceled or terminated.

2 G. A license shall not be transferred or assigned.

3 H. The application for a license shall include:

4 (1) the name of the applicant;

5 (2) the location of the proposed operation;

6 (3) the gaming devices to be operated,  
7 manufactured, distributed or serviced;

8 (4) the names of all persons having a direct  
9 or indirect interest in the business of the applicant and the  
10 nature of such interest; and

11 (5) such other information and details as the  
12 board may require.

13 I. The board shall furnish to the applicant  
14 supplemental forms that the applicant shall complete and file  
15 with the application. The supplemental forms shall require two  
16 sets of fingerprint cards and complete information and details  
17 with respect to the applicant's antecedents, habits, immediate  
18 family, character, state and federal criminal records, business  
19 activities, financial affairs and business associates, covering  
20 at least a ten-year period immediately preceding the date of  
21 filing of the application.

22 J. In conducting a background investigation and  
23 preparing an investigative report on the applicant, the board's  
24 law enforcement officers may request and receive criminal  
25 history information from the federal bureau of investigation or

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1 any other law enforcement agency or organization. The board's  
2 law enforcement officers shall maintain confidentiality  
3 regarding information received from a law enforcement agency  
4 that may be imposed by the agency as a condition for providing  
5 the information to the board."

6 SECTION 3. Section 60-2F-9 NMSA 1978 (being Laws 2009,  
7 Chapter 81, Section 9) is amended to read:

8 "60-2F-9. DISCLOSURE OF BACKGROUND INFORMATION.--

9 A. The board may require an applicant for a license  
10 or permit to be issued pursuant to the New Mexico Bingo and  
11 Raffle Act to disclose information sufficient for the board to  
12 make a determination as to the applicant's suitability. The  
13 board may adopt rules to coordinate the manner in which the  
14 information is produced.

15 B. An applicant [~~shall provide all of the~~  
16 ~~information required by the board~~] for a license or permit  
17 issued pursuant to the New Mexico Bingo and Raffle Act shall  
18 apply on forms provided by the board and shall furnish to the  
19 board a full set of fingerprints made by a law enforcement  
20 agency or the department of public safety's designee and all  
21 other information requested by the board. Submission of such  
22 an application constitutes consent to a national criminal  
23 background check of the applicant, a credit check of the  
24 applicant and all persons having a substantial interest in the  
25 applicant and any other background investigations required

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1 pursuant to the New Mexico Bingo and Raffle Act or deemed  
2 necessary by the board.

3 C. In conducting a background investigation and  
4 preparing an investigative report on an applicant pursuant to  
5 this section, the board's enforcement division may request and  
6 receive criminal history information from the federal bureau of  
7 investigation or any other law enforcement agency or  
8 organization. The board's enforcement division shall maintain  
9 confidentiality regarding such information received from the  
10 federal bureau of investigation or a law enforcement agency  
11 that may be imposed as a condition for providing the  
12 information to the board.

13 ~~[C.]~~ D. The cost of a background investigation, not  
14 to exceed one hundred dollars (\$100), shall be paid by the  
15 applicant."

16 SECTION 4. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2025.