



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 76

SENATE BILL 254

Introduced by

SENATOR CLINTON D. HARDEN, JR.



Chapter 76

AN ACT

1
2 RELATING TO EMPLOYMENT; AMENDING THE CRIMINAL OFFENDER
3 EMPLOYMENT ACT TO RESTRICT THE INQUIRY AND CONSIDERATION OF A
4 CONVICTION UNTIL THE FINAL STAGES OF THE HIRING PROCESS.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 28-2-3 NMSA 1978 (being Laws 1974,
8 Chapter 78, Section 3) is amended to read:

9 "28-2-3. EMPLOYMENT ELIGIBILITY DETERMINATION.--

10 A. Subject to the provisions of Subsection B of
11 this section and Sections 28-2-4 and 28-2-5 NMSA 1978, in
12 determining eligibility for employment with the state or any
13 of its political subdivisions or for a license, permit,
14 certificate or other authority to engage in any regulated
15 trade, business or profession, the board or other department
16 or agency having jurisdiction may take into consideration a
17 conviction, but the conviction shall not operate as an
18 automatic bar to obtaining public employment or license or
19 other authority to practice the trade, business or
20 profession. A board, department or agency of the state or
21 any of its political subdivisions shall not make an inquiry
22 regarding a conviction on an initial application for
23 employment and shall only take into consideration a
24 conviction after the applicant has been selected as a
25 finalist for the position.

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B. The following criminal records shall not be used, distributed or disseminated in connection with an application for any public employment, license or other authority:

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

(2) misdemeanor convictions not involving moral turpitude."

Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 8th day of March, 2010

Bill Richardson

Governor Bill Richardson
State of New Mexico

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