

The Legislature
of the
State of New Mexico

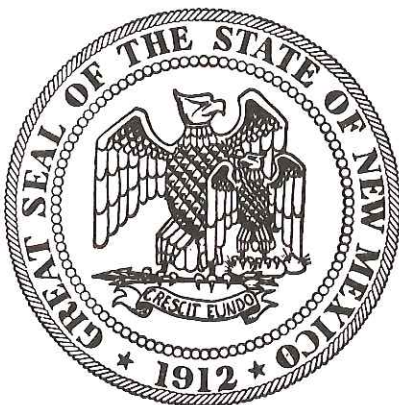
54th Legislature, 1st Session

LAWS 2019

CHAPTER 176

SENATE FLOOR SUBSTITUTE FOR
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 96, as amended

Introduced by



CHAPTER 76

AN ACT

1
2 RELATING TO EMPLOYMENT OF EX-CONVICTS; PROHIBITING PRIVATE
3 EMPLOYERS FROM INQUIRING ABOUT AN APPLICANT'S HISTORY OF
4 ARREST OR CONVICTION ON AN INITIAL EMPLOYMENT APPLICATION;
5 PROVIDING A GRIEVANCE PROCESS.

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

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

10 "28-2-1. SHORT TITLE.--Chapter 28, Article 2 NMSA 1978
11 may be cited as the "Criminal Offender Employment Act"."

12 SECTION 2. A new section of the Criminal Offender
13 Employment Act is enacted to read:

14 "EMPLOYMENT ELIGIBILITY DETERMINATION--PRIVATE
15 EMPLOYERS.--

16 A. If a private employer uses a written or
17 electronic employment application, the employer shall not
18 make an inquiry regarding an applicant's history of arrest or
19 conviction on the employment application but may take into
20 consideration an applicant's conviction after review of the
21 applicant's application and upon discussion of employment
22 with the applicant. Nothing in this section shall prohibit
23 an employer from notifying the public or an applicant that
24 the law or the employer's policy could disqualify an
25 applicant who has a certain criminal history from employment

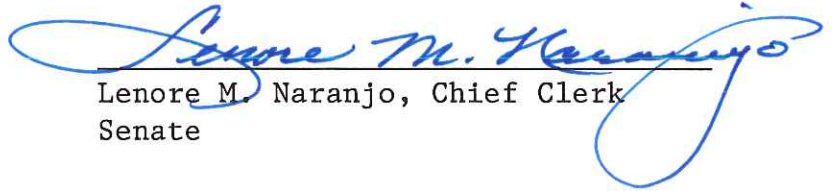
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in particular positions with that employer.

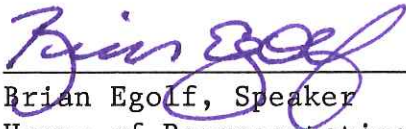
B. An applicant who claims to be aggrieved by a violation of Subsection A of this section may seek relief under the Human Rights Act pursuant to the process set out in Sections 28-1-10 through 28-1-13 NMSA 1978."



Howie C. Morales, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate

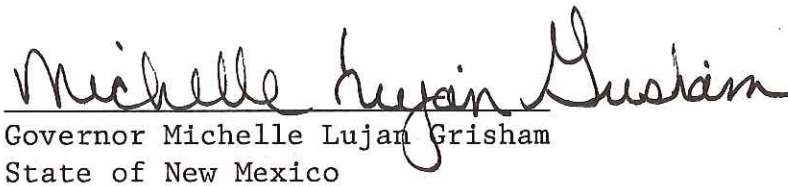


Brian Egolf, Speaker
House of Representatives



Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Approved by me this 3rd day of April, 2019



Governor Michelle Lujan Grisham
State of New Mexico