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SENATE BILL 96

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Bill B. O'Neill

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO EMPLOYMENT OF EX-CONVICTS; PROHIBITING PRIVATE
EMPLOYERS FROM INQUIRING ABOUT AN APPLICANT'S CONVICTION ON AN
INITIAL EMPLOYMENT APPLICATION.

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

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

"28-2-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~
Chapter 28, Article 2 NMSA 1978 may be cited as the "Criminal
Offender Employment Act"."

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

"[NEW MATERIAL] EMPLOYMENT ELIGIBILITY DETERMINATION--
PRIVATE EMPLOYERS.--If a private employer uses a written or
electronic employment application, the employer shall not make

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 an inquiry regarding an applicant's conviction on the
2 employment application but may take into consideration an
3 applicant's conviction after review of the applicant's
4 application and upon discussion of employment with the
5 applicant. Nothing in this section shall prohibit an employer
6 from notifying an applicant that the law or the employer's
7 policy could disqualify an applicant who has a certain criminal
8 history from employment in particular positions with that
9 employer."

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