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\_\_\_\_\_ BILL

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO EMPLOYMENT; PROVIDING THAT THE CRIMINAL OFFENDER  
EMPLOYMENT ACT DOES NOT APPLY TO THE EARLY CHILDHOOD EDUCATION  
AND CARE DEPARTMENT FOR CONSIDERATION OF APPLICANTS FOR  
LICENSURE, REGISTRATION OR EMPLOYMENT AT A CHILD CARE FACILITY  
OR TO AN AGENCY FOR CONSIDERATION OF AN APPLICANT FOR  
EMPLOYMENT AS A CAREGIVER OR HOSPITAL CAREGIVER SUBJECT TO THE  
CAREGIVERS CRIMINAL HISTORY SCREENING ACT.

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

**SECTION 1.** Section 28-2-5 NMSA 1978 (being Laws 1974,  
Chapter 78, Section 5) is amended to read:

"28-2-5. NONAPPLICABILITY TO [~~LAW ENFORCEMENT~~]  
AGENCIES.--The Criminal Offender Employment Act is not  
applicable to any law enforcement agency, the early childhood  
education and care department for consideration of applicants

.228883.2SA

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

underscoring material = new  
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1 for licensure, registration or employment at a child care  
2 facility or an agency for consideration of an applicant for  
3 employment as a caregiver or hospital caregiver subject to the  
4 Caregivers Criminal History Screening Act; however, nothing  
5 ~~[herein]~~ in the Criminal Offender Employment Act shall be  
6 construed to preclude ~~[a law enforcement agency]~~ an exempt  
7 entity in its discretion from adopting the policy set forth  
8 ~~[herein]~~ in that act."

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