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SENATE BILL 369

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO HUMAN RIGHTS; ADDING MARITAL STATUS TO THE HUMAN RIGHTS ACT AS A PROTECTED CATEGORY.

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

Section 1. Section 28-1-7 NMSA 1978 (being Laws 1969, Chapter 196, Section 7, as amended) is amended to read:

"28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE. --It is an unlawful discriminatory practice for:

A. an employer, unless based on a bona fide occupational qualification, to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of race, age, religion, color, national origin, ancestry, sex, marital status, physical or mental handicap or serious medical

underscored material = new
[bracketed material] = delete

1 condition; provided, however, that 29 U. S. C. Section 631(c)(1)
2 and (2) shall apply to discrimination based on age;

3 B. a labor organization to exclude an individual
4 or to expel or otherwise discriminate against any of its
5 members or against any employer or employee because of race,
6 religion, color, national origin, ancestry, sex, marital
7 status, physical or mental handicap or serious medical
8 condition;

9 C. any employer, labor organization or joint
10 apprenticeship committee to refuse to admit or employ any
11 individual in any program established to provide an
12 apprenticeship or other training or retraining because of
13 race, religion, color, national origin, ancestry, sex, marital
14 status, physical or mental handicap or serious medical
15 condition;

16 D. any person, employer, employment agency or
17 labor organization to print or circulate or cause to be
18 printed or circulated any statement, advertisement or
19 publication, to use any form of application for employment or
20 membership or to make any inquiry regarding prospective
21 membership or employment [~~which~~] that expresses, directly or
22 indirectly, any limitation, specification or discrimination as
23 to race, color, religion, national origin, ancestry, sex,
24 marital status, physical or mental handicap or serious medical
25 condition unless based on a bona fide occupational

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1 qualification;

2 E. an employment agency to refuse to list and
3 properly classify for employment or refer an individual for
4 employment in a known available job, for which the individual
5 is otherwise qualified, because of race, religion, color,
6 national origin, ancestry, sex, ~~[or]~~ marital status, physical
7 or mental handicap or serious medical condition, unless based
8 on a bona fide occupational qualification, or to comply with a
9 request from an employer for referral of applicants for
10 employment if the request indicates either directly or
11 indirectly that the employer discriminates in employment on
12 the basis of race, religion, color, national origin, ancestry,
13 sex, marital status, physical or mental handicap or serious
14 medical condition unless based on a bona fide occupational
15 qualification;

16 F. any person in any public accommodation to make
17 a distinction, directly or indirectly, in offering or refusing
18 to offer its services, facilities, accommodations or goods to
19 any individual because of race, religion, color, national
20 origin, ancestry, sex, marital status or physical or mental
21 handicap, provided that the physical or mental handicap is
22 unrelated to an individual's ability to acquire or rent and
23 maintain particular real property or housing accommodation;

24 G. any person to:

25 (1) refuse to sell, rent, assign, lease or

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1 sublease or offer for sale, rental, lease, assignment or
2 sublease any housing accommodation or real property to any
3 individual or to refuse to negotiate for the sale, rental,
4 lease, assignment or sublease of any housing accommodation or
5 real property to any individual because of race, religion,
6 color, national origin, ancestry, sex, marital status or
7 physical or mental handicap, provided that the physical or
8 mental handicap is unrelated to an individual's ability to
9 acquire or rent and maintain particular real property or
10 housing accommodation;

11 (2) discriminate against any individual in
12 the terms, conditions or privileges of the sale, rental,
13 assignment, lease or sublease of any housing accommodation or
14 real property or in the provision of facilities or services in
15 connection therewith because of the race, religion, color,
16 national origin, ancestry, sex, marital status or physical or
17 mental handicap, provided that the physical or mental handicap
18 is unrelated to an individual's ability to acquire or rent and
19 maintain particular real property or housing accommodation; or

20 (3) print, circulate, display or mail or
21 cause to be printed, circulated, displayed or mailed any
22 statement, advertisement, publication or sign or use any form
23 of application for the purchase, rental, lease, assignment or
24 sublease of any housing accommodation or real property or to
25 make any record or inquiry regarding the prospective purchase,

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1 rental, lease, assignment or sublease of any housing
2 accommodation or real property [~~which~~] that expresses any
3 preference, limitation or discrimination as to race, religion,
4 color, national origin, ancestry, sex, marital status or
5 physical or mental handicap, provided that the physical or
6 mental handicap is unrelated to an individual's ability to
7 acquire or rent and maintain particular real property or
8 housing accommodation;

9 H. any person to whom application is made either
10 for financial assistance for the acquisition, construction,
11 rehabilitation, repair or maintenance of any housing
12 accommodation or real property or for any type of consumer
13 credit, including financial assistance for the acquisition of
14 any consumer good as defined by Section 55-9-109 NMSA 1978,
15 to:

16 (1) consider the race, religion, color,
17 national origin, ancestry, sex, marital status or physical or
18 mental handicap of any individual in the granting,
19 withholding, extending, modifying or renewing or in the fixing
20 of the rates, terms, conditions or provisions of any financial
21 assistance or in the extension of services in connection with
22 the request for financial assistance; or

23 (2) use any form of application for financial
24 assistance or to make any record or inquiry in connection with
25 applications for financial assistance [~~which~~] that expresses,

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1 directly or indirectly, any limitation, specification or
2 discrimination as to race, religion, color, national origin,
3 ancestry, sex, marital status or physical or mental handicap;

4 I. any person or employer to:

5 (1) aid, abet, incite, compel or coerce the
6 doing of any unlawful discriminatory practice or to attempt to
7 do so;

8 (2) engage in any form of threats, reprisal
9 or discrimination against any person who has opposed any
10 unlawful discriminatory practice or has filed a complaint,
11 testified or participated in any proceeding under the Human
12 Rights Act; or

13 (3) willfully obstruct or prevent any person
14 from complying with the provisions of the Human Rights Act or
15 to resist, prevent, impede or interfere with the commission or
16 any of its members, staff or representatives in the
17 performance of their duties under the Human Rights Act; or

18 J. any employer to refuse or fail to accommodate
19 to an individual's physical or mental handicap or serious
20 medical condition, unless such accommodation is unreasonable
21 or an undue hardship. "