

AN ACT

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RELATING TO PUBLIC SAFETY; REQUIRING THE CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT TO FINGERPRINT OPERATORS, STAFF AND EMPLOYEES OF CHILD  
CARE FACILITIES AND FOSTER PARENTS; PROVIDING LIMITS ON THE USE OF  
CRIMINAL HISTORY RECORDS USED TO CONDUCT BACKGROUND CHECKS;  
PROVIDING PENALTIES FOR RELEASE OF INFORMATION; AMENDING SECTIONS  
OF THE NMSA 1978.

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

Section 1. Section 32A-15-1 NMSA 1978 (being Laws 1985, Chapter 103,  
Section 1 and also Laws 1985, Chapter 140, Section 1) is amended to read:

"32A-15-1. SHORT TITLE.--Chapter 32A, Article 15 NMSA 1978 may be cited  
as the "New Mexico Children's and Juvenile Facility Criminal Records Screening Act"."

Section 2. Section 32A-15-3 NMSA 1978 (being Laws 1985, Chapter 103,  
Section 3 and also Laws 1985, Chapter 140, Section 3, as amended) is amended to  
read:

"32A-15-3. CRIMINAL HISTORY RECORDS CHECK--BACKGROUND  
CHECKS.--

A. Nationwide criminal history record checks shall be conducted on all  
operators, staff and employees and prospective operators, staff and employees of  
child care facilities, including every facility or program that has primary custody of  
children for twenty hours or more per week, and juvenile detention, correction or  
treatment facilities. The objective of conducting the record checks is to protect the  
children involved and promote the children's safety and welfare while receiving service

from the facilities and programs.

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B. The department shall fingerprint all operators, staff and employees and prospective operators, staff and employees of child care facilities and all prospective foster parents and licensed foster parents. The department shall conduct a background check of all operators, staff and employees and prospective operators, staff and employees of child care facilities and all prospective foster parents and licensed foster parents by submitting a fingerprint card for those individuals to the department of public safety and the federal bureau of investigation.

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C. Criminal history records obtained by the department pursuant to the provisions of this section are confidential. The department is authorized to use criminal history records obtained from the federal bureau of investigation to conduct background checks on prospective operators, staff and employees of child care facilities and foster parents.

D. Criminal history records obtained pursuant to the provisions of this section shall not be used for any purpose other than conducting background checks. Criminal history records obtained pursuant to the provisions of this section and the information contained in those records shall not be released or disclosed to any other person or agency, except pursuant to a court order or with the written consent of the person who is the subject of the records.

E. A person who releases or discloses criminal history records or information contained in those records in violation of the provisions of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act

is July 1, 2019

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