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AN ACT

RELATING TO CHILDREN; REQUIRING FINGERPRINTING AND A
BACKGROUND CHECK FOR A VOLUNTEER OR STAFF MEMBER AT A
JUVENILE JUSTICE FACILITY.

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

Section 1. Section 9-2A-1 NMSA 1978 (being Laws 1992,
Chapter 57, Section 1) is amended to read:

"9-2A-1. SHORT TITLE.-- Chapter 9, Article 2A NMSA 1978
may be cited as the "Children, Youth and Families Department
Act"."

Section 2. A new section of the Children, Youth and
Families Department Act is enacted to read:

"VOLUNTEERS AND STAFF AT JUVENILE FACILITIES.--
Fingerprinting and a background check shall be required for a
volunteer or staff member at a juvenile justice facility who
has direct unsupervised contact with residents."

Section 3. Section 9-2A-8.1 NMSA 1978 (being Laws 2005,
Chapter 271, Section 2) is amended to read:

"9-2A-8.1. CRIMINAL HISTORY RECORD INVESTIGATIONS--
PROCEDURE--CONFIDENTIALITY--VIOLATION--PENALTY.--

A. The department shall submit fingerprints for
each individual required to be fingerprinted pursuant to the
Children, Youth and Families Department Act to the department
of public safety and the federal bureau of investigation.

1 B. Criminal histories obtained are confidential
2 and shall be used only for the purpose of determining the
3 suitability of an employee or volunteer or prospective
4 employee or volunteer for employment or service by the
5 department; except that criminal histories may be released or
6 disclosed to another agency or person only upon court order
7 or with the written consent of the person who is the subject
8 of the criminal history record.

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