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HOUSE BILL 404

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR BACKGROUND CHECKS OF APPLICANTS FOR EMPLOYMENT; ALLOWING INSTITUTIONS OF HIGHER EDUCATION TO CONDUCT EMPLOYEE BACKGROUND CHECKS.

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

SECTION 1. A new section of Chapter 21, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] BACKGROUND CHECKS.--

A. Institutions of higher education shall develop policies and procedures to require background checks on an applicant who has been offered employment.

B. An applicant who has been offered employment shall provide two fingerprint cards or the equivalent electronic fingerprints to the institution of higher education to obtain the applicant's federal bureau of investigation

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1 record. The applicant who has been offered employment may be
2 required to pay for the cost of obtaining a background check.
3 Convictions of felonies or misdemeanors contained in the
4 federal bureau of investigation records that are on file with
5 the institution of higher education shall be used in accordance
6 with the Criminal Offender Employment Act; provided that other
7 information contained in the federal bureau of investigation
8 records, if supported by independent evidence, may form the
9 basis for the employment decisions for good and just cause.
10 Records and any related information shall be privileged and
11 shall not be disclosed to a person not directly involved in the
12 employment decision affecting the specific applicant who has
13 been offered employment.

14 C. An applicant for employment who has been
15 initially employed within twelve months of applying for
16 employment at an institution of higher education shall not be
17 required to submit to another background check if the
18 institution of higher education has copies of the applicant's
19 federal bureau of investigation records on file."

20 SECTION 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2011.

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