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SENATE BILL 111

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO EMERGENCY PLACEMENT OF CHILDREN; REQUIRING IMMEDIATE REMOVAL OF CHILDREN FROM EMERGENCY PLACEMENT HOMES UNDER CERTAIN CIRCUMSTANCES; DECLARING AN EMERGENCY.

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

SECTION 1. Section 32A-3A-11 NMSA 1978 (being Laws 2013, Chapter 50, Section 1) is amended to read:

"32A-3A-11. EMERGENCY PLACEMENT--CRIMINAL HISTORY RECORD CHECK.--

A. In an emergency placement situation, when a child must be placed in a home due to the absence of parents or custodians, the department shall request that a criminal justice agency perform a federal name-based criminal history record check of each adult residing in the home. The results of the name-based check shall be provided to the department,

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1 and, within fifteen days from the date that the name-based
2 check was conducted, the department shall provide a complete
3 set of each adult resident's fingerprints to the department of
4 public safety for immediate submission to the federal bureau of
5 investigation. The department of public safety shall
6 positively identify the fingerprint subject, if possible, and
7 forward the fingerprints to the federal bureau of investigation
8 within fifteen calendar days from the date that the name-based
9 search was conducted. The child [~~may~~] shall be removed from
10 the home immediately if any adult resident fails to provide
11 fingerprints or written permission to perform a federal
12 criminal history record check when requested to do so.

13 B. When placement of a child in a home is denied as
14 a result of a name-based criminal history record check of a
15 resident and the resident contests that denial, the resident
16 shall, within five business days, submit to the department a
17 complete set of the resident's fingerprints with written
18 permission allowing the department to forward the fingerprints
19 to the department of public safety for submission to the
20 federal bureau of investigation.

21 C. The department of public safety may charge a
22 reasonable fee for processing a fingerprint-based criminal
23 history record check.

24 D. As used in this section, "emergency placement"
25 refers to those limited instances when the department is

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1 placing a child in the home of private individuals, including
2 neighbors, friends or relatives, as a result of sudden
3 unavailability of the child's primary caretaker."

4 SECTION 2. EMERGENCY.--It is necessary for the public
5 peace, health and safety that this act take effect immediately.