

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 176

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Lisa A. Torraco

AN ACT

RELATING TO EMERGENCY PLACEMENT OF CHILDREN; REQUIRING IMMEDIATE REMOVAL OF CHILDREN FROM EMERGENCY PLACEMENT HOMES UNDER CERTAIN CIRCUMSTANCES; ALLOWING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO PERFORM CRIMINAL HISTORY RECORD CHECKS; 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~~] or a criminal justice agency shall perform a federal name-based criminal

.203190.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

15 B. When placement of a child in a home is denied as
16 a result of a name-based criminal history record check of a
17 resident and the resident contests that denial, the resident
18 shall, within five business days, submit to the department a
19 complete set of the resident's fingerprints with written
20 permission allowing the department to forward the fingerprints
21 to the department of public safety for submission to the
22 federal bureau of investigation. The resident shall be
23 entitled to review the information obtained from the resident's
24 criminal history record check if that check was performed using
25 the resident's fingerprints submitted pursuant to this

.203190.1

underscoring material = new
~~[bracketed material] = delete~~

1 subsection.

2 C. The department of public safety may charge a
3 reasonable fee for processing a fingerprint-based criminal
4 history record check pursuant to this section.

5 D. As used in this section, "emergency placement"
6 refers to those limited instances when the department is
7 placing a child in the home of private individuals, including
8 neighbors, friends or relatives, as a result of sudden
9 unavailability of the child's primary caretaker."

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