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SENATE BILL 78

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Bill B. O'Neill and Alonzo Baldonado

AN ACT

RELATING TO EMPLOYMENT OF EX-CONVICTS; PROHIBITING PRIVATE EMPLOYERS FROM INQUIRING ABOUT AN APPLICANT'S CONVICTION ON AN INITIAL EMPLOYMENT APPLICATION.

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

SECTION 1. Section 28-2-1 NMSA 1978 (being Laws 1974, Chapter 78, Section 1) is amended to read:

"28-2-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~
Chapter 28, Article 2 NMSA 1978 may be cited as the "Criminal Offender Employment Act"."

SECTION 2. A new section of the Criminal Offender Employment Act is enacted to read:

"[NEW MATERIAL] EMPLOYMENT ELIGIBILITY DETERMINATION--
PRIVATE EMPLOYERS.--If a private employer uses a written employment application, the employer shall not make an inquiry

underscoring material = new
[bracketed material] = delete

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

1 regarding an applicant's conviction on the employment
2 application but may take into consideration an applicant's
3 conviction after review of the applicant's written application
4 and upon discussion of employment with the applicant. Nothing
5 in this section shall prohibit an employer from notifying an
6 applicant that the law or the employer's policy could
7 disqualify an applicant who has a certain criminal history from
8 employment in particular positions with that employer."