

SENATE FLOOR SUBSTITUTE FOR
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 96

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO EMPLOYMENT OF EX-CONVICTS; PROHIBITING PRIVATE EMPLOYERS FROM INQUIRING ABOUT AN APPLICANT'S HISTORY OF ARREST OR CONVICTION ON AN INITIAL EMPLOYMENT APPLICATION; PROVIDING A GRIEVANCE PROCESS.

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~~]

.214007.1

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

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.--

A. If a private employer uses a written or electronic employment application, the employer shall not make an inquiry regarding an applicant's history of arrest or conviction on the employment application but may take into consideration an applicant's conviction after review of the applicant's application and upon discussion of employment with the applicant. Nothing in this section shall prohibit an employer from notifying Sfl→the public or←Sfl an applicant that the law or the employer's policy could disqualify an applicant who has a certain criminal history from employment in particular positions with that employer.

B. An applicant who claims to be aggrieved by a violation of Subsection A of this section may seek relief under the Human Rights Act pursuant to the process set out in Sections 28-1-10 through 28-1-13 NMSA 1978."