SENATE BILL 96

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

INTRODUCED BY

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FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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 or
electronic employment application, the employer shall not make

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an inquiry regarding an applicant's 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 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."