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.--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:

"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 the public or 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."