

1 HOUSE BILL 136

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

3 INTRODUCED BY

4 Debra M. Sariñana

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10 AN ACT

11 RELATING TO CRIMINAL RECORDS; PROVIDING AN EXCLUSION FOR SCHOOL
12 DISTRICTS FROM THE CRIMINAL OFFENDER EMPLOYMENT ACT.

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

15 SECTION 1. A new section of the Criminal Offender
16 Employment Act is enacted to read:

17 "[NEW MATERIAL] NONAPPLICABILITY TO SCHOOL DISTRICTS.--

18 A. The Criminal Offender Employment Act is not
19 applicable to any school district that is reviewing whether an
20 applicant for employment has ever been under investigation for,
21 or has been found to have violated, any state or federal
22 statute relating to child abuse or neglect, sexual misconduct
23 or any sexual offense, including those offenses prohibited in
24 Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA
25 1978, unless the allegations were false or unsubstantiated;

.221808.3

underscoring material = new
[bracketed material] = delete

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

1 however, a school district in its discretion may choose to
2 apply the provisions of the Criminal Offender Employment Act to
3 employment decisions at the school district.

4 B. For the purposes of this section, "school
5 district" means an area of land established as a political
6 subdivision of the state for the administration of public
7 schools and segregated geographically for taxation and bonding
8 purposes; "school district" includes a charter school."