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AN ACT

RELATING TO EMPLOYMENT; PROVIDING THAT THE CRIMINAL OFFENDER
EMPLOYMENT ACT DOES NOT APPLY TO CERTAIN AGENCIES; REQUIRING
EXEMPT AGENCIES TO PROMULGATE RULES RELATED TO CRIMINAL
HISTORY SCREENING; DECLARING AN EMERGENCY.

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

SECTION 1. Section 28-2-5 NMSA 1978 (being Laws 1974,
Chapter 78, Section 5) is amended to read:

"28-2-5. NONAPPLICABILITY TO AGENCIES.--

A. The Criminal Offender Employment Act is not
applicable to:

- (1) any law enforcement agency;
- (2) the early childhood education and care
department for consideration of an applicant for licensure,
registration or employment at a child care facility;
- (3) an agency for consideration of an
applicant for employment as a caregiver or hospital caregiver
subject to the Caregivers Criminal History Screening Act;
- (4) the children, youth and families
department; and
- (5) the public education department for
consideration of an applicant for licensure under the School
Personnel Act.

B. Nothing in the Criminal Offender Employment Act SB 66
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1 shall be construed to preclude an exempt agency in its
2 discretion from adopting the policy set forth in that act.

3 C. An agency exempted pursuant to Subsection A
4 of this section shall promulgate rules related to criminal
5 history screening for the purpose of determining
6 eligibility."

7 SECTION 2. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect
9 immediately.

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