

1 AN ACT

2 RELATING TO GAMING; REQUIRING A BACKGROUND INVESTIGATION OF
3 CONTRACTORS SEEKING UNESCORTED ACCESS TO FACILITIES OF THE
4 GAMING CONTROL BOARD; AMENDING APPLICATION AND RENEWAL
5 REQUIREMENTS FOR GAMING LICENSES, CERTIFICATIONS OF FINDINGS
6 SUITABILITY AND WORK PERMITS; PROVIDING FOR BACKGROUND
7 INVESTIGATIONS OF APPLICANTS FOR A LICENSE OR PERMIT ISSUED
8 PURSUANT TO THE NEW MEXICO BINGO AND RAFFLE ACT.

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

11 SECTION 1. Section 60-2E-11 NMSA 1978 (being Laws 1997,
12 Chapter 190, Section 13, as amended) is amended to read:

13 "60-2E-11. INVESTIGATION OF EXECUTIVE DIRECTOR
14 CANDIDATES AND EMPLOYEES.--

15 A. A person who is under consideration in the
16 final selection process for appointment as the executive
17 director shall file a disclosure statement pursuant to the
18 requirements of this section, and the board shall not make
19 an appointment of a person as executive director until a
20 background investigation is completed by the department of
21 public safety and a report is made to the board.

22 B. A person who has reached the final selection
23 process for employment by the executive director shall file
24 a disclosure statement pursuant to the requirements of this
25 section if the executive director or the board has directed

1 the person do so. The person shall not be further considered
2 for employment until a background investigation is completed
3 by the board's law enforcement officers and a report is made
4 to the executive director.

5 C. A person who is a contractor seeking unescorted
6 access to a facility of the board shall file a disclosure
7 statement pursuant to the requirements of this section.

8 The contractor shall not be provided unescorted access to
9 the facility until the enforcement division of the board
10 completes a background investigation and a report is made to
11 the executive director. Submission of a disclosure statement
12 shall constitute consent to a national criminal background
13 check and any other background investigations required
14 pursuant to the Gaming Control Act or deemed necessary by the
15 board.

16 D. Forms for the disclosure statements required
17 by this section shall be developed by the board in
18 cooperation with the department of public safety. At least
19 the following information shall be required of a person
20 submitting a statement:

21 (1) a full set of fingerprints made by a
22 law enforcement agency on forms supplied by the board;

23 (2) complete information and details with
24 respect to the person's antecedents, habits, immediate
25 family, character, criminal record, business activities and

1 business associates, covering at least a ten-year period
2 immediately preceding the date of submitting the disclosure
3 statement; and

4 (3) a complete description of any equity
5 interest held in a business connected with the gaming
6 industry.

7 E. In conducting a background investigation
8 and preparing an investigative report, the board's law
9 enforcement officers may request and receive criminal history
10 information from the federal bureau of investigation or any
11 other law enforcement agency or organization. The board's
12 law enforcement officers shall maintain confidentiality
13 regarding information received from a law enforcement agency
14 that may be imposed by the agency as a condition for
15 providing the information to the department, except that the
16 board's law enforcement officers may provide criminal history
17 information and reports to licensees or tribal gaming casinos
18 when conducting background checks on behalf of the licensee
19 or tribal gaming casino.

20 F. A person required to file a disclosure
21 statement shall provide any assistance or information
22 requested by the department of public safety or the board
23 and shall cooperate in any inquiry or investigation.

24 G. If information required to be included in a
25 disclosure statement changes or if information is added after

1 the statement is filed, the person required to file it shall
2 provide that information in writing to the person requesting
3 the investigation. The supplemental information shall be
4 provided within thirty days after the change or addition.

5 H. The board shall not appoint a person as
6 executive director, and the executive director shall not
7 employ a person, if the board or the executive director has
8 reasonable cause to believe that the person has:

9 (1) knowingly misrepresented or omitted a
10 material fact required in a disclosure statement;

11 (2) been convicted of a felony, a
12 gaming-related offense or a crime involving fraud, theft or
13 moral turpitude within ten years immediately preceding the
14 date of submitting a disclosure statement required pursuant
15 to this section;

16 (3) exhibited a history of willful
17 disregard for the gaming laws of this or any other state or
18 the United States; or

19 (4) had a permit or license issued
20 pursuant to the gaming laws of this or any other state or the
21 United States permanently suspended or revoked for cause.

22 I. Both the board and the executive director may
23 exercise absolute discretion in exercising their respective
24 appointing and employing powers."

1 Chapter 190, Section 16, as amended) is amended to read:

2 "60-2E-14. LICENSURE--APPLICATION.--

3 A. The board shall establish and issue the
4 following categories of licenses:

- 5 (1) manufacturer;
6 (2) distributor;
7 (3) gaming operator; and
8 (4) gaming machine.

9 B. The board shall issue certifications of
10 findings of suitability for key executives and other persons
11 for whom certification is required.

12 C. The board shall issue work permits for gaming
13 employees.

14 D. A licensee shall not be issued more than one
15 type of license, but this provision does not prohibit a
16 licensee from owning, leasing, acquiring or having in the
17 licensee's possession licensed gaming machines if that
18 activity is otherwise allowed by the provisions of the Gaming
19 Control Act. A licensee shall not own a majority interest
20 in, manage or otherwise control a holder of another type
21 of license issued pursuant to the provisions of that act.

22 E. An applicant for a license, a certification of
23 finding of suitability or a work permit shall apply on forms
24 provided by the board and shall furnish to the board a full
25 set of fingerprints made by a law enforcement agency or the

1 department of public safety's designee and all other
2 information requested by the board. Submission of an
3 application constitutes consent to a national criminal
4 background check of the applicant, a credit check of the
5 applicant and all persons having a substantial interest in
6 the applicant and any other background investigations
7 required pursuant to the Gaming Control Act or deemed
8 necessary by the board. The board may obtain from the
9 taxation and revenue department copies of tax returns filed
10 by or on behalf of the applicant or its affiliates and
11 information concerning liens imposed on the applicant or its
12 affiliates by the taxation and revenue department.

13 F. All licenses issued by the board pursuant to
14 the provisions of this section, except for certifications of
15 findings of suitability and work permits, shall be reviewed
16 for renewal annually unless revoked, suspended, canceled or
17 terminated. Certifications of findings of suitability and
18 work permits issued by the board pursuant to the provisions
19 of this section shall be reviewed for renewal every three
20 years unless revoked, suspended, canceled or terminated.

21 G. A license shall not be transferred or assigned.

22 H. The application for a license shall include:

- 23 (1) the name of the applicant;
- 24 (2) the location of the proposed operation;
- 25 (3) the gaming devices to be operated,

1 manufactured, distributed or serviced;

2 (4) the names of all persons having a direct
3 or indirect interest in the business of the applicant and the
4 nature of such interest; and

5 (5) such other information and details as
6 the board may require.

7 I. The board shall furnish to the applicant
8 supplemental forms that the applicant shall complete and file
9 with the application. The supplemental forms shall require
10 two sets of fingerprint cards and complete information and
11 details with respect to the applicant's antecedents, habits,
12 immediate family, character, state and federal criminal
13 records, business activities, financial affairs and business
14 associates, covering at least a ten-year period immediately
15 preceding the date of filing of the application.

16 J. In conducting a background investigation and
17 preparing an investigative report on the applicant, the
18 board's law enforcement officers may request and receive
19 criminal history information from the federal bureau of
20 investigation or any other law enforcement agency or
21 organization. The board's law enforcement officers shall
22 maintain confidentiality regarding information received from
23 a law enforcement agency that may be imposed by the agency as
24 a condition for providing the information to the board."

25 SECTION 3. Section 60-2F-9 NMSA 1978 (being Laws 2009,

1 Chapter 81, Section 9) is amended to read:

2 "60-2F-9. DISCLOSURE OF BACKGROUND INFORMATION.--

3 A. The board may require an applicant for a
4 license or permit to be issued pursuant to the New Mexico
5 Bingo and Raffle Act to disclose information sufficient for
6 the board to make a determination as to the applicant's
7 suitability. The board may adopt rules to coordinate the
8 manner in which the information is produced.

9 B. An applicant for a license or permit issued
10 pursuant to the New Mexico Bingo and Raffle Act shall apply
11 on forms provided by the board and shall furnish to the board
12 a full set of fingerprints made by a law enforcement agency
13 or the department of public safety's designee and all other
14 information requested by the board. Submission of such an
15 application constitutes consent to a national criminal
16 background check of the applicant, a credit check of the
17 applicant and all persons having a substantial interest in
18 the applicant and any other background investigations
19 required pursuant to the New Mexico Bingo and Raffle Act or
20 deemed necessary by the board.

21 C. In conducting a background investigation and
22 preparing an investigative report on an applicant pursuant to
23 this section, the board's enforcement division may request
24 and receive criminal history information from the federal
25 bureau of investigation or any other law enforcement agency

1 or organization. The board's enforcement division shall
2 maintain confidentiality regarding such information received
3 from the federal bureau of investigation or a law enforcement
4 agency that may be imposed as a condition for providing the
5 information to the board.

6 D. The cost of a background investigation, not
7 to exceed one hundred dollars (\$100), shall be paid by the
8 applicant."

9 SECTION 4. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2025. _____

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