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SENATE BILL 254

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO EMPLOYMENT; AMENDING THE CRIMINAL OFFENDER  
EMPLOYMENT ACT TO RESTRICT THE INQUIRY AND CONSIDERATION OF A  
CONVICTION UNTIL THE FINAL STAGES OF THE HIRING PROCESS.

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

Section 1. Section 28-2-3 NMSA 1978 (being Laws 1974,  
Chapter 78, Section 3) is amended to read:

"28-2-3. EMPLOYMENT ELIGIBILITY DETERMINATION.--

A. Subject to the provisions of Subsection B of  
this section and Sections [~~3 and 4 of the Criminal Offender  
Employment Act~~] 28-2-4 and 28-2-5 NMSA 1978, in determining  
eligibility for employment with the state or any of its  
political subdivisions or for a license, permit, certificate or  
other authority to engage in any regulated trade, business or  
profession, the board or other department or agency having

underscored material = new  
[bracketed material] = delete

underscored material = new  
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1 jurisdiction may take into consideration [~~the~~] a conviction,  
2 but [~~such~~] the conviction shall not operate as an automatic bar  
3 to obtaining public employment or license or other authority to  
4 practice the trade, business or profession. A board,  
5 department or agency of the state or any of its political  
6 subdivisions shall not make an inquiry regarding a conviction  
7 on an initial application for employment and shall only take  
8 into consideration a conviction after the applicant has been  
9 selected as a finalist for the position.

10 B. The following criminal records shall not be  
11 used, distributed or disseminated in connection with an  
12 application for any public employment, license or other  
13 authority:

- 14 (1) records of arrest not followed by a valid  
15 conviction; and
- 16 (2) misdemeanor convictions not involving  
17 moral turpitude."