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 .181474.1
jurisdiction may take into consideration [the] a conviction, 
but [such] the conviction shall not operate as an automatic bar 
to obtaining public employment or license or other authority to 
practice the trade, business or profession. A board, 
department or agency of the state or any of its political 
subdivisions shall not make an inquiry regarding a conviction 
on an initial application for employment and shall only take 
into consideration a conviction after the applicant has been 
selected as a finalist for the position.

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

(1) records of arrest not followed by a valid 
conviction; and

(2) misdemeanor convictions not involving 
moral turpitude."

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