

SENATE FLOOR SUBSTITUTE FOR
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 96

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO EMPLOYMENT OF EX-CONVICTS; PROHIBITING PRIVATE
EMPLOYERS FROM INQUIRING ABOUT AN APPLICANT'S HISTORY OF ARREST
OR CONVICTION ON AN INITIAL EMPLOYMENT APPLICATION; PROVIDING A
GRIEVANCE PROCESS.

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

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

"28-2-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~
Chapter 28, Article 2 NMSA 1978 may be cited as the "Criminal
Offender Employment Act"."

SECTION 2. A new section of the Criminal Offender
Employment Act is enacted to read:

"[NEW MATERIAL] EMPLOYMENT ELIGIBILITY DETERMINATION--
PRIVATE EMPLOYERS.--

.214007.1

underscored material = new
[bracketed material] = delete

1 A. If a private employer uses a written or
2 electronic employment application, the employer shall not make
3 an inquiry regarding an applicant's history of arrest or
4 conviction on the employment application but may take into
5 consideration an applicant's conviction after review of the
6 applicant's application and upon discussion of employment with
7 the applicant. Nothing in this section shall prohibit an
8 employer from notifying an applicant that the law or the
9 employer's policy could disqualify an applicant who has a
10 certain criminal history from employment in particular
11 positions with that employer.

12 B. An applicant who claims to be aggrieved by a
13 violation of Subsection A of this section may seek relief under
14 the Human Rights Act pursuant to the process set out in
15 Sections 28-1-10 through 28-1-13 NMSA 1978."