

SENATE BILL 279

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CHILDREN; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT A CHILD BE IMMEDIATELY REMOVED FROM AN EMERGENCY PLACEMENT HOME FOR AN ADULT RESIDENT'S FAILURE TO PROVIDE FINGERPRINTS OR SUBMIT TO A CRIMINAL HISTORY RECORD CHECK SHPAC →, ~~DECLARING AN EMERGENCY~~ ← SHPAC .

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

SECTION 1. Section 32A-3A-11 NMSA 1978 (being Laws 2013,

.224245.1AIC February 21, 2023 (11:57am)

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Chapter 50, Section 1, as amended) is amended to read:

"32A-3A-11. EMERGENCY PLACEMENT--CRIMINAL HISTORY RECORD CHECK.--

A. In an emergency placement situation, when a child must be placed in a home due to the absence of parents or custodians, the department or a criminal justice agency shall perform a federal name-based criminal history record check of each adult residing in the home. The results of the name-based check shall be provided to the department, and, within fifteen days from the date that the name-based check was conducted, the department shall provide a complete set of each adult resident's fingerprints to the department of public safety for immediate submission to the federal bureau of investigation. The department of public safety shall positively identify the fingerprint subject, if possible, and forward the fingerprints to the federal bureau of investigation within fifteen calendar days from the date that the name-based search was conducted. The child shall be removed from the home immediately if any adult resident fails to provide fingerprints or written permission to perform a federal criminal history record check when requested to do so, unless an agreement is entered into with the department that provides for the immediate removal from the home of an adult resident who refuses to provide fingerprints.

B. When placement of a child in a home is denied as

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a result of a name-based criminal history record check of a resident and the resident contests that denial, the resident shall:

(1) within five business days, submit to the department a complete set of the resident's fingerprints with written permission allowing the department to forward the fingerprints to the department of public safety for submission to the federal bureau of investigation [~~The resident shall~~];
and

(2) be entitled to review the information obtained from the resident's criminal history record check if that check was performed using the resident's fingerprints submitted pursuant to this subsection.

C. The department [~~may~~] of public safety shall not charge [the federal] a fee for processing a fingerprint-based criminal history record check pursuant to this section. [~~The department of public safety shall not charge a state fee for processing a fingerprint-based criminal history record check pursuant to this section.~~]

D. As used in this section, "emergency placement" refers to those limited instances when the department is placing a child in the home of private individuals, including neighbors, friends or relatives, as a result of sudden unavailability of the child's primary caretaker."

SHPAC → ~~SECTION 2. EMERGENCY.---It is necessary for the~~

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~~public peace, health and safety that this act take effect~~
~~immediately.~~ ←SHPAC

- 4 -