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HOUSE BILL 278

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

HENRY KIKI SAAVEDRA

AN ACT

RELATING TO CRIMINAL OFFENDERS; PROVIDING THAT CERTAIN CRIMINAL  
OFFENDERS NOT BE LICENSED TO OPERATE A CHILD-CARE FACILITY OR BE  
EMPLOYED AT A CHILD-CARE FACILITY; AMENDING A SECTION OF THE  
CRIMINAL OFFENDER EMPLOYMENT ACT.

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

Section 1. Section 28-2-4 NMSA 1978 (being Laws 1974,  
Chapter 78, Section 4, as amended) is amended to read:

"28-2-4. POWER TO REFUSE, RENEW, SUSPEND OR REVOKE PUBLIC  
EMPLOYMENT OR LICENSE. --

A. Any board or other agency having jurisdiction  
over employment by the state or any of its political  
subdivisions or the practice of any trade, business or  
profession may refuse to grant or renew or may suspend or revoke  
any public employment or license or other authority to engage in

1 the public employment, trade, business or profession for any one  
2 or any combination of the following causes:

3 (1) where the applicant, employee or licensee  
4 has been convicted of a felony or a misdemeanor involving moral  
5 turpitude and the criminal conviction directly relates to the  
6 particular employment, trade, business or profession;

7 (2) where the applicant, employee or licensee  
8 has been convicted of a felony or a misdemeanor involving moral  
9 turpitude and the criminal conviction does not directly relate  
10 to the particular employment, trade, business or profession, if  
11 the board or other agency determines after investigation that  
12 the person so convicted has not been sufficiently rehabilitated  
13 to warrant the public trust; or

14 (3) where the applicant, ~~[or]~~ employee or  
15 licensee has been convicted of trafficking in controlled  
16 substances, criminal sexual penetration or related sexual  
17 offenses or child abuse and the applicant, ~~[or]~~ employee or  
18 licensee has applied for reinstatement or issuance of a teaching  
19 certificate, a license to operate a child-care facility or  
20 employment at a child-care facility, regardless of  
21 rehabilitation.

22 B. The board or other agency shall explicitly state  
23 in writing the reasons for a decision which prohibits the person  
24 from engaging in the employment, trade, business or profession  
25 if the decision is based in whole or in part on conviction of

1 any crime described in Paragraphs (1) and (3) of Subsection A of  
2 this section. Completion of probation or parole supervision or  
3 expiration of a period of three years after final discharge or  
4 release from any term of imprisonment without any subsequent  
5 conviction shall create a presumption of sufficient  
6 rehabilitation for purposes of Paragraph (2) of Subsection A of  
7 this section. "

8 Section 2. EFFECTIVE DATE. --The effective date of the  
9 provisions of this act is July 1, 1997.

Underscored material = new  
[bracketed material] = delete

**State of New Mexico  
House of Representatives**

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 13, 1997

Mr. Speaker:

Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to  
whom has been referred

HOUSE BILL 278

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
JUDICIARY COMMITTEE.

Respectfully submitted,

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Gary King, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Heaton, Ri os, Sandel, Vi gil

Absent: None

M \H0278

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[bracketed material] = delete

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 5, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 278

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Thomas P. Foy, Chairman

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**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: M. P. Garcia, Luna, Rios, Sanchez

Absent: None

M: \H0278

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 16, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
referred

HOUSE BILL 278

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Shannon Robinson, Chairman

**FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Adair, Garcia, Vernon, Ingle

Absent: None

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Underscored material = new  
[bracketed material] = delete