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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 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 jurisdiction may take into consideration a
conviction, but 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.

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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."
