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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.--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:

"EMPLOYMENT ELIGIBILITY DETERMINATION--PRIVATE EMPLOYERS.--

A. If a private employer uses a written or electronic employment application, the employer shall not make an inquiry regarding an applicant's history of arrest or conviction on the employment application but may take into consideration an applicant's conviction after review of the applicant's application and upon discussion of employment with the applicant. Nothing in this section shall prohibit an employer from notifying the public or an applicant that the law or the employer's policy could disqualify an applicant who has a certain criminal history from employment

