

1 AN ACT
2 RELATING TO EMPLOYMENT; PROVIDING THAT THE CRIMINAL OFFENDER
3 EMPLOYMENT ACT DOES NOT APPLY TO CERTAIN AGENCIES; REQUIRING
4 EXEMPT AGENCIES TO PROMULGATE RULES RELATED TO CRIMINAL
5 HISTORY SCREENING; DECLARING AN EMERGENCY.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 28-2-5 NMSA 1978 (being Laws 1974,
9 Chapter 78, Section 5) is amended to read:

10 "28-2-5. NONAPPLICABILITY TO AGENCIES.--

11 A. The Criminal Offender Employment Act is not
12 applicable to:

- 13 (1) any law enforcement agency;
14 (2) the early childhood education and care
15 department for consideration of an applicant for licensure,
16 registration or employment at a child care facility;
17 (3) an agency for consideration of an
18 applicant for employment as a caregiver or hospital caregiver
19 subject to the Caregivers Criminal History Screening Act;
20 (4) the children, youth and families
21 department; and
22 (5) the public education department for
23 consideration of an applicant for licensure under the School
24 Personnel Act.

25 B. Nothing in the Criminal Offender Employment Act SB 66
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1 shall be construed to preclude an exempt agency in its
2 discretion from adopting the policy set forth in that act.

3 C. An agency exempted pursuant to Subsection A
4 of this section shall promulgate rules related to criminal
5 history screening for the purpose of determining
6 eligibility."

7 SECTION 2. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect
9 immediately. _____

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