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AN ACT
RELATING TO EMPLOYMENT; PROHIBITING PROSPECTIVE EMPLOYERS
FROM REQUESTING OR REQUIRING A PROSPECTIVE EMPLOYEE TO
PROVIDE A PASSWORD OR ACCESS TO THE PROSPECTIVE EMPLOYEE'S
SOCIAL NETWORKING ACCOUNT.

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

SECTION 1. REQUEST FOR ACCESS TO SOCIAL NETWORKING
ACCOUNT PROHIBITED.--

A. It is unlawful for an employer to request or
require a prospective employee to provide a password in order
to gain access to the prospective employee's account or
profile on a social networking web site or to demand access
in any manner to a prospective employee's account or profile
on a social networking web site.

B. Nothing in this section shall limit an
employer's right to:

(1) have policies regarding work place
internet use, social networking site use and electronic mail
use; and

(2) monitor usage of the employer's
electronic equipment and the employer's electronic mail
without requesting or requiring a prospective employee to
provide a password in order to gain access to the prospective
employee's account or profile on a social networking web

1 site.

2 C. Nothing in this section shall prohibit an
3 employer from obtaining information about a prospective
4 employee that is in the public domain.

5 D. Nothing in this section shall apply to a
6 federal, state or local law enforcement agency. Nothing in
7 this section shall prohibit federal, state or local
8 government agencies or departments from conducting background
9 checks as required by law.

10 E. As used in this section, "social networking web
11 site" means an internet-based service that allows individuals
12 to:

13 (1) construct a public or semi-public
14 profile within a bounded system created by the service;

15 (2) create a list of other users with whom
16 they share a connection within the system; and

17 (3) view and navigate their list of

18 connections and those made by others within the system. _____

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