

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE MEMORIAL 41**

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

**INTRODUCED BY**

**Mimi Stewart**

**A MEMORIAL**

**REQUESTING THAT THE SECRETARY OF LABOR CONVENE A TASK FORCE TO REVIEW BARRIERS TO PUBLIC EMPLOYMENT FOR PERSONS WITH CRIMINAL CONVICTIONS AND TO MAKE RECOMMENDATIONS THAT COULD REMOVE BARRIERS WHILE PROTECTING THE PUBLIC.**

**WHEREAS, the state of New Mexico should be committed to improving the effectiveness of facilitating the reentry of persons with criminal convictions into its communities and reducing the incidence of recidivism; and**

**WHEREAS, gainful employment after release from prison is a critical element necessary to help persons with criminal convictions achieve successful reentry after prison, to reduce recidivism and to make communities safer; and**

**WHEREAS, in the Criminal Offender Employment Act, the New Mexico legislature found that the public is best protected**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 when criminal offenders or ex-convicts are given the  
2 opportunity to secure employment or to engage in a lawful  
3 trade, occupation or profession and that barriers to such  
4 employment should be removed to make rehabilitation feasible;  
5 and

6 WHEREAS, pursuant to the Criminal Offender Employment  
7 Act, a misdemeanor or felony conviction shall not operate as  
8 an automatic bar to obtaining public employment or a license  
9 or other authority to practice a particular trade, business or  
10 profession; and

11 WHEREAS, other state laws and the rules, policies and  
12 practices of boards and agencies that have jurisdiction over  
13 public employment or the practice of any trade, business or  
14 profession may impose barriers on the employment of persons  
15 with criminal convictions; and

16 WHEREAS, a comprehensive review of these statutes, rules,  
17 policies and practices should be undertaken to evaluate  
18 whether existing barriers are related to the safety, trust and  
19 responsibility required of the job or to determine whether a  
20 less restrictive approach could protect the public while  
21 preserving employment opportunities;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary  
24 of labor be requested to convene a task force to review  
25 barriers to public employment for persons with criminal

underscored material = new  
[bracketed material] = delete

1 convictions and to make recommendations that could remove  
2 barriers while protecting the public; and

3 BE IT FURTHER RESOLVED that the task force include the  
4 secretary of labor or the secretary's designee; the  
5 superintendent of regulation and licensing or the  
6 superintendent's designee; the director of the state personnel  
7 board; a representative from the New Mexico women's justice  
8 project; a representative from the New Mexico association of  
9 commerce and industry; a representative from the New Mexico  
10 federation of labor; a representative from the New Mexico  
11 criminal defense lawyers association; a representative from  
12 the New Mexico district attorney's association; and any other  
13 entities deemed necessary by the secretary of labor; and

14 BE IT FURTHER RESOLVED that the task force's review and  
15 recommendations include the following:

16 A. statutory barriers to public employment;

17 B. barriers to public employment that are based on  
18 criminal records for each occupation under the jurisdiction of  
19 New Mexico's boards and agencies and the relation of the  
20 barriers to the employment;

21 C. the rationale and necessity for the barriers  
22 and the criteria and procedures an agency or board has adopted  
23 to apply to individual cases;

24 D. the exemption, waiver or review mechanisms  
25 available to persons with criminal convictions to remove

1 barriers based on a showing of rehabilitation or otherwise;  
2 and

3 E. reforms and changes that may be adopted to  
4 safely remove barriers to public employment and to enable  
5 offenders to demonstrate their rehabilitation; and

6 BE IT FURTHER RESOLVED that the task force be requested  
7 to present its findings and recommendations to the appropriate  
8 interim legislative committee no later than November 1, 2007;  
9 and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the secretary of labor, the superintendent of  
12 regulation and licensing and the director of the state  
13 personnel board.

14 - 4 -  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscored material = new  
[bracketed material] = delete