

LFC Requester:**Rachel Mercer-Garcia****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared 1/23/25 *Check all that apply:*
Bill Number: SB0066 Original Correction
 Amendment Substitute

Sponsor: Katy M Duhigg & Heather Berghmans **Agency Name and Code** Dept. of Workforce Solutions-631
Criminal Offender Employment **Number:** _____
Short Title: Employment **Person Writing** Sarita Nair
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
0	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
0	0	0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 66 (SB 66) proposes changes to Section 28-2-5 NMSA 1978 of the Criminal Offender Employment Act (COEA).

Background. COEA's purpose is to remove barriers to employment faced by criminal offenders or ex-convicts. Under COEA, public employers and licensing agencies may consider criminal convictions when determining eligibility for employment or licensure, but convictions cannot automatically bar individuals from these opportunities. Employers cannot ask about convictions on initial applications and may only review them once the applicant is a finalist. Certain criminal records, such as arrests without conviction, sealed or expunged convictions, juvenile adjudications, and non-job-related convictions, cannot be used in these determinations.

COEA bars private employers from asking about applicants' arrest or conviction history on initial job applications but may consider convictions later in the hiring process after reviewing the application and discussing employment with the applicant. Employers can still inform applicants that certain criminal histories may disqualify them from specific positions due to legal or policy requirements.

Current Exemptions. COEA does not apply to law enforcement agencies, unless they choose to adopt its policies at their discretion. This is sole exemption to the Act currently.

New Exemptions. SB 66 expands the number of agencies that are exempt from COEA to include:

- Early Childhood Education and Care Department for licensing, registration, or employment at childcare facilities.
- Agencies evaluating applicants for caregiver or hospital caregiver roles under the Caregivers Criminal History Screening Act.
- Children, Youth, and Families Department.
- Public Education Department for licensure under the School Personnel Act.

Like law enforcement agencies, these newly exempt agencies may adopt policies consistent with COEA at their discretion.

Finally, SB 66 adds a requirement that all exempt agencies promulgate rules for criminal history screening to determine applicant eligibility.

FISCAL IMPLICATIONS

DWS administers the Human Rights Act, which is the vehicle for COEA enforcement under NMSA Section 28-2-3.1. However, the number of COEA complaints DWS receives is minimal, and the Department does not anticipate a fiscal impact.

SIGNIFICANT ISSUES

COEA aims to balance public safety with reintegration of individuals with criminal records into the workforce. SB 66's proposed changes enable more stringent and tailored screening processes for roles involving vulnerable populations, such as children and patients. It will also increase the

efficiency of hiring in these fields, because under the current system, affected applicants will still be rejected but will go further along in the hiring process before reaching that point.

PERFORMANCE IMPLICATIONS

See fiscal implications, above.

ADMINISTRATIVE IMPLICATIONS

The requirement for exempt agencies to promulgate their own rules could lead to inconsistent standards and practices for criminal history screening across different agencies. As the enforcement agency, DWS will need to review agency rules on a case-by-case basis if complaints arise.

Additionally, the bill does not provide specific guidance or criteria for the rules that exempt agencies must establish, which may result in inadequate or overly restrictive screening processes. Requiring exempt agencies to establish and enforce their own screening rules could also lead to increased administrative burdens and costs, especially if agencies lack clear guidance.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Only law enforcement agencies will be exempt from COEA.

AMENDMENTS