

LFC Requester: Macer-Garcia



PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 01/23 /25
Bill No: SB66

Agency Name and Code: PED - 924

Sponsor: Duhigg/Berghmans

PED Lead Analyst: Evan Chavez

Phone: (505) 538-0536 **Email:** evan.chavez@ped.nm.gov

Short Title: CRIMINAL OFFENDER
EMPLOYMENT EXEMPTIONS

PED Policy Director: Denise Terrazas
Phone: (505) 470-5303 **Email:** denise.terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 66 (SB66) would amend the [Criminal Offender Employment Act](#) (COEA) ([Section 28-2-5 NMSA 1978](#)) by expanding the non-applicability provision to exempt the Public Education Department (PED) and the Early Childhood Education and Care Department (ECECD), among other agencies, from the provisions of the act when considering an applicant for licensure. The amendment would require exempted agencies to promulgate rules related to criminal history screenings.

The bill contains an emergency clause and would go into effect immediately.

FISCAL IMPLICATIONS

This bill does not contain an appropriation.

SIGNIFICANT ISSUES

Per the purpose of the [COEA](#), “the legislature finds that the public is best protected when criminal offenders or ex-convicts are given the opportunity to secure employment or to engage in a lawful trade, occupation or profession and that barriers to such employment should be removed to make rehabilitation feasible.”

[Section 22-10A-5A NMSA 1978 of the School Personnel Act](#) requires the PED to investigate the suitability of an applicant for licensure with access to criminal history record information furnished by the Department of Public Safety and the Federal Bureau of Investigation. [Subsection E of Section 22-10A-5 NMSA 1978](#), requires the department use information related to criminal convictions in accordance with the COEA, and only permits the denial of an application based upon a disqualifying criminal conviction, as defined by [Section 61-1-36 NMSA 1978](#) of the [Uniform Licensing Act](#) (ULA), or a conviction for a crime that is job-related to the position in question, as consistent with business necessity.

Furthermore, [Section 28-2-3 NMSA 1978 of the COEA](#) requires a department or agency to consider all applicants and only consider a conviction when the applicant is selected as a finalist for the position.

PERFORMANCE IMPLICATIONS

Background checks create safer campuses and may determine a long-term and trustworthy partner in education.

ADMINISTRATIVE IMPLICATIONS

The PED provides a [list](#) of criminal convictions under the New Mexico Criminal Code that would constitute grounds for denial of an application for licensure. The PED utilizes a background check to mitigate serious hiring risks to ensure each child and community is protected, and that each school is maintaining professional standards that build trust and abide by local laws and regulations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- House Bill 79, Audiology & Speech-Language Pathology Compact
- House Bill 81, Occupational Therapy Compact
- House Bill 82, Physical Therapy Licensure Compact
- House Bill 118, Professional Recruitment and Retention Act
- House Bill 157, New School Licenses
- House Bill 195, School Nurse Salary Tiers & Minimums
- House Bill 217, Counselling Compact
- House Bill 297, School Personnel Computer Science Licensure
- Senate Bill 12, Out-of-State Telehealth Providers
- Senate Bill 46, Interstate Medical Licensure Compact
- Senate Bill 104, Audiology & Speech Licensure Compact
- Senate Bill 345, Teacher & Instructional Support Licensure

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

SB66 would better align state statute with federal law regarding screening school employees for criminal history.

The COEA states that “the legislature finds that the public is best protected when criminal offenders or ex-convicts are given the opportunity to secure employment or to engage in a lawful trade, occupation or profession and that barriers to such employment should be removed to make rehabilitation feasible.” The COEA provides that, for an applicant for licensure or employment who is found to have a conviction, the “conviction shall not operate as an automatic bar to obtaining public employment or license or other authority to practice the trade, business or profession.” School employees and licensees, however, should be excluded from these considerations, given the age and vulnerability of children. SB66, accordingly, would exempt from COEA the PED.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.