

LFC Requester:	SANCHEZ, SCOTT
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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: Jan 29 *Check all that apply:*
Bill Number: SB161 Original Correction
 Amendment Substitute

Sponsor: M. Padilla, H. Pope **Agency Name and Code** State Personnel Office 00378
Short Title: Background Checks for Military Affairs employment **Number:** _____
Person Writing Dylan K. Lange **Phone:** 505-476-7742 **Email** Dylan.Lange@spo.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	DMA budget		General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	Unknown	Unknown			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Chapter 28, Article 2 NMSA 1978 – Criminal Offender Employment Act

Section 22-10A-5 NMSA 1978 – Criminal history record check; known convictions; confidentiality; alleged ethical misconduct; reporting required; penalty for failure to report

Section 24-10B-5.2 - Criminal history background screening

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB161 Enacts a new section of Chapter 20, Article NMSA 1978, to require state and national criminal background checks of Department of Military Affairs employment or volunteer applicants or employees who have responsibility for minors.

SB161 provides the process for the state and national criminal background checks and restricts the use of those reports.

SB161 Allows the Adjutant General to use appropriations and other funding for youth programs.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The cost for the background checks is to be borne by the applicant, employee or volunteer, potentially having negative implications for those applicants, employees or volunteers who may not be willing or able to pay the fee. Applicants, employees or volunteers are required to sign an acknowledgment of the background check procedure, but the applicant, employee or volunteer does not acknowledge that they are responsible for payment of the background check. The procedure for payment is not indicated.

While limitations related to sharing information obtained in the report is addressed, it is unclear whether the background report itself is confidential, whether it will be considered a public record pursuant to the Inspection of Public Records Act [Chapter 14, Article 2 NMSA 1978], and whether it is an employment record under 1.7.1.12 NMAC.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The wording of SB161 is often vague in sections relating to employees, applicants or volunteers. Some qualify wording to be associated with working with minors. Clear wording regarding all employees, all applicants and volunteers working with minors or only employees, applicants and volunteers working with minors would be helpful. Applicant is defined in the new section

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS