

A JOINT 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 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; and

WHEREAS, pursuant to the Criminal Offender Employment Act, a misdemeanor or felony conviction shall not operate as an automatic bar to obtaining public employment or a license or other authority to practice a particular trade, business or

profession; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the secretary of labor be requested to 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; and

BE IT FURTHER RESOLVED that the task force include the secretary of labor or the secretary's designee; the superintendent of regulation and licensing or the superintendent's designee; the director of the state personnel board; a representative from the New Mexico women's justice project; a representative from the New Mexico association of commerce and industry; a representative from the New Mexico

federation of labor; a representative from the New Mexico criminal defense lawyers association; a representative from the New Mexico district attorney's association; and any other entities deemed necessary by the secretary of labor; and

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

A. statutory barriers to public employment;

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

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

D. the exemption, waiver or review mechanisms available to persons with criminal convictions to remove barriers based on a showing of rehabilitation or otherwise; and

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

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

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