

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/07

SPONSOR Stewart LAST UPDATED \_\_\_\_\_ HB HJM 2

SHORT TITLE CONVICTED CRIMINAL BARRIERS TO EMPLOYMENT SB \_\_\_\_\_

ANALYST Lucero

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SJM 4

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Labor (NMDOL)

Department of Health (DOH)

Regulation and Licensing Department (RLD)

State Personnel Board (SPO)

### SUMMARY

#### Synopsis of Bill

House Joint Memorial 2 requests that the Secretary of Labor convene a task force to review the Criminal Offenders Employment Act to identify barriers to public employment for persons with criminal convictions and to make recommendations that could remove barriers while protecting the public.

The taskforce is required to identify barriers to employment or licensure for convictions and the rationale and necessity for such barriers. Findings from the taskforce are due to the Interim Legislative Committee by November 1, 2007. The taskforce will operate under the direction of the Secretary of Labor or his designee, and will include the Superintendent of Regulation and Licensing or his designee, the director of state personnel, and representatives from the following: the New Mexico Women's Justice Project; the New Mexico Association of Commerce and Industry; the Federation of Labor, the Criminal Defense Lawyers Association; the District

## **House Joint Memorial 2 – Page 2**

Attorney's Association; and any other entity deemed necessary by the Secretary of Labor.

### **FISCAL IMPLICATIONS**

Minimal staff costs for attending taskforce meetings.

### **SIGNIFICANT ISSUES**

Currently, the Department of Health, Public Education Department, and Children, Youth and Families Department have administered statutorily mandated and regulatory implemented criminal history screening programs. A task force convened by the Secretary of Labor can potentially directly affect long-established statutory and regulatory programs, which were enacted and promulgated through public hearing participation to establish the basis of criminal conviction criteria while balancing the right to employment with the health and safety of the public served.

The task force may eventually make recommendations that have significant impact on the State Personnel Office and other state agencies.

### **PERFORMANCE IMPLICATIONS**

None identified.

### **ADMINISTRATIVE IMPLICATIONS**

Staff time spent on the task force would be minimal.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Duplicates SJM 4

### **TECHNICAL ISSUES**

The memorial may be strengthened by including various departmental agencies in the task force that are mandated by statute or regulation to serve and protect specific segments of the public and do so by using criminal screening programs.

### **OTHER SUBSTANTIVE ISSUES**

Caregivers Criminal History Screening Act, §29-17-2 through 29-17-5, NMSA 1978, and implementing rule, 7.1.9 NMAC

### **ALTERNATIVES**

Already rehabilitated criminals are provided a broad range of protection in state employment and licensing by the Criminal Offender Employment Act, §28-2-1 N.M.S.A. et. seq. Courts might use the existing laws to provide greater protection.

DL/nt