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FISCAL IMPACT REPORT

SPONSOR Stewart ORIGINAL DATE 2/27/07
LAST UPDATED _____ HM 41
SHORT TITLE Barriers to Employment for Criminal Convicts SB _____
ANALYST Lucero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.01		\$0.01	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of Workforce Training and Development (OWTD)

New Mexico Department of Labor (NMDOL)

SUMMARY

Synopsis of Bill

The memorial requests the Labor Secretary 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.

The task force members are the labor secretary, the superintendent of regulation and licensing, a representative from the New Mexico association of commerce and industry, a representative from the New Mexico federation of labor, a representative of the New Mexico criminal defense lawyers association, a representative of the New Mexico district attorney's office, and any other member deemed necessary by the labor secretary.

FISCAL IMPLICATIONS

The Memorial would require staff time and travel costs for the task force members, which is not included in the bill.

SIGNIFICANT ISSUES

If enacted, the memorial would require:

- 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.
- The task force to include the secretary of labor, the superintendent of regulation and licensing, the director of the SPO board, a representative of the NM association of commerce and industry, a representative from the NM federation of labor, a representative from the NM criminal defense lawyers association; a representative from the NM district attorneys association and any other entities deemed necessary by the secretary of labor.
- The task force review of: statutory barriers to public employment; barriers to public employment that are based on criminal records for each occupation under the jurisdiction of NM boards and agencies and the relation of the barriers to employment; the rationale and necessity for the barriers and the criteria and procedures an agency or board has adopted to apply to individual cases; the exemption, waiver or review mechanisms available to persons with criminal convictions to remove barriers based on a showing of rehabilitation or otherwise; and reforms and changes that may be adopted to safely remove barriers to public employment and to enable offenders to demonstrate their rehabilitation.

Most convicts have barriers to employment related to their criminal convictions and associated behavioral and educational issues. The memorial could result in the development of potential solutions to the problems associated with those barriers preventing their gainful employment.

PERFORMANCE IMPLICATIONS

Performance as it relates to this particular population may increase the global population of individuals finding and retaining employment and may subsequently affect performance in these categories for clients served through the Workforce Investment Act.

ADMINISTRATIVE IMPLICATIONS

This bill may require staff time and travel costs for the task force members, which is not included in the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates SJM 4 and HJM 2

TECHNICAL ISSUES

None identified at this time

OTHER SUBSTANTIVE ISSUES

From the Re-Entry Policy Council website: (<http://www.reentrypolicy.org/reentry/PS28.aspx>)

The Bureau of Justice Statistics reports that only 46 percent of incarcerated individuals have a high school diploma or its equivalent, as compared to 82 percent of men aged 18

to 34. Significantly, one in six jail inmates reports that he or she dropped out of school because he or she was convicted of a crime, was sent to a correctional facility, or was involved in illegal activities. Nearly 60 percent of black men who are high school dropouts have done time in prison by their mid-30's. About two-thirds of people in prison and jail were employed - either full- or part-time - during the month before they were arrested for their current offense. Despite this relatively high employment rate, research indicates that individual earnings prior to incarceration are low. For example, of those in jail who were employed before their most recent arrest, the median income was less than \$1,000 per month.

Barriers to work faced by re-entering individuals include the stigma of a criminal record, spotty work histories, low education and skill levels, and physical and mental health problems. Many individuals also lack necessary identification documents, access to transportation, and childcare for dependent children. To a lesser extent, many recently released prisoners have unstable housing situations that may prevent access to employment. Policies, such as restrictions on the type of employment an individual can obtain, and practices of supervision agencies may pose additional obstacles to obtaining and retaining employment for those under supervision. Predetermined reporting requirements and supervision fees may be particularly burdensome.

Estimates of the share of prisoners that has a job secured before release range from 14 percent to just under 50 percent. Most of the remainder needs to secure employment; job placement organizations can play a key role in this area. Transitional employment can provide released prisoners with access to income, ready-made structure, and additional supervision to assist in the transition from custody to freedom. For instance, the Center for Employment Opportunities (CEO) in New York City places people in temporary employment while they are undergoing training and waiting for a permanent placement, which both aids them in their transition to working and reinforces their independence and sense of self-worth. Even after an individual is placed in his or her permanent job, a counselor continues to contact the person to provide support and guidance during the first year of employment; after the initial year, CEO remains a source of guidance and training for their graduates.