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SENATE JOINT MEMORIAL 4
48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007
INTRODUCED BY
Gay G. Kernan

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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

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1 when criminal offenders or ex-convicts are given the
2 opportunity to secure employment or to engage in a lawful
3 trade, occupation or profession and that barriers to such
4 employment should be removed to make rehabilitation feasible;
5 and

6 WHEREAS, pursuant to the Criminal Offender Employment
7 Act, a misdemeanor or felony conviction shall not operate as
8 an automatic bar to obtaining public employment or a license
9 or other authority to practice a particular trade, business or
10 profession; and

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

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

22 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
23 STATE OF NEW MEXICO that the secretary of labor be requested
24 to convene a task force to review barriers to public
25 employment for persons with criminal convictions and to make

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1 recommendations that could remove barriers while protecting
2 the public; and

3 BE IT FURTHER RESOLVED that the task force include the
4 secretary of labor or the secretary's designee; the
5 superintendent of regulation and licensing or the
6 superintendent's designee; the director of the state personnel
7 board; a representative from the New Mexico women's justice
8 project; a representative from the New Mexico association of
9 commerce and industry; a representative from the New Mexico
10 federation of labor; a representative from the New Mexico
11 criminal defense lawyers association; a representative from
12 the New Mexico district attorney's association; and any other
13 entities deemed necessary by the secretary of labor; and

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

- 16 A. statutory barriers to public employment;
- 17 B. barriers to public employment that are based on
18 criminal records for each occupation under the jurisdiction of
19 New Mexico's boards and agencies and the relation of the
20 barriers to the employment;
- 21 C. the rationale and necessity for the barriers
22 and the criteria and procedures an agency or board has adopted
23 to apply to individual cases;
- 24 D. the exemption, waiver or review mechanisms
25 available to persons with criminal convictions to remove

1 barriers based on a showing of rehabilitation or otherwise;
2 and

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

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

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

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