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FISCAL IMPACT REPORT

SPONSOR	<u>Stapleton</u>	ORIGINAL DATE	<u>03/14/09</u>	HM	<u>101</u>
SHORT TITLE	<u>Ex-Offender State Agency Assistance</u>	LAST UPDATED		SB	
		ANALYST		<u>Weber</u>	

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)

Public education Department

No Responses Received From

State Personnel Office

Department of Workforce Solutions

SUMMARY

Synopsis of Bill

Most ex-offenders who are released from incarceration, probation and parole have fulfilled all the requirements of their sentences. An estimated ninety percent of all offenders will be released upon completion of their sentences and will reenter society. Many ex-offenders need counseling and support as they reintegrate into society. Ex-offenders may need additional education and training to prepare for employment and to enter the work force. Ex-offenders, upon release from prison, may have their voting rights restored.

Strong support and effective programs can prevent recidivism. A disproportionate number of persons incarcerated in prison are Hispanic, Native American or African American. The office on African American affairs has taken a leadership role in addressing the needs of ex-offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that all state agencies be requested to examine ways in which they can promote hiring of ex-offenders so that they more successfully reintegrate into the community and in which they can reduce barriers to employing ex-offenders in their own agencies; and

BE IT FURTHER RESOLVED that all state agencies be requested to examine their roles in helping ex-offenders become fully participating, productive members of society; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretaries of every department in the executive branch, the attorney general, the state auditor, the commissioner of public lands and the secretary of state.

FISCAL IMPLICATIONS

There do not appear to be any fiscal impacts.

SIGNIFICANT ISSUES

The NMCD notes.

The Department is already actively engaged in this process through its Reentry and Prison Reform Bureau, and is already implementing the recommendations of the Governor’s Prison Reform Task Force where fiscally feasible. The Department has already committed to devoting fiscal resources to this requested endeavor where fiscally feasible.

The Public Education Department contributes the following.

This memorial implicates but is only marginally consistent with the *Criminal Offender Employment Act* [NMSA 1978, Sections 28-2-1 to 28-2-6], the purpose of which provides at section 28-2-1:

The legislature finds 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 those barriers to such employment should be removed to make rehabilitation feasible.

However, the *Criminal Offender Employment Act* at section 28-2-4 provides the following reasons for *denying* employment or professional licensure to a criminal offender:

where the applicant, employee or licensee has been convicted of trafficking in controlled substances, criminal sexual penetration or related sexual offenses or child abuse and the applicant, employee or licensee has applied for reinstatement or issuance of a teaching certificate, a license to operate a child-care facility or employment at a child-care facility, regardless of rehabilitation.

MW/mc