

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/23/25 *Check all that apply:*  
**Bill Number:** SB66 Original  Correction   
 Amendment  Substitute

**Sponsor:** Katy M. Duhigg **Agency Name and Code Number:** ECECD 61100  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis:

SB66 exempts certain agencies from the Criminal Offender Employment Act when considering applicants for licensure or background clearances for those working directly with children or as caregivers for vulnerable adults. Those agencies include the Early Childhood Education and Care Department when considering applicants for licensure, registration, or employment at a child care facility; the Aging and Long Term Services Department and the Health Care Authority when considering applicants for caregivers or hospital caregivers subject to the Caregivers Criminal History Screening Act; the Children Youth and Families Department for any position requiring licensure or a background clearance; and the Public Education Department when considering applicants for licensure under the School Personnel Act. Exempt agencies will be required to promulgate rules related to criminal history screening for the purpose of determining eligibility.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

SB66 protects children and vulnerable adults by allowing certain agencies to consider misdemeanor convictions such as enticement of a child, stalking, and battery of a household member when conducting background clearances and licenses for caregivers. SB66 does not mandate that agencies issue a denial of a background clearance or application for licensure based on those misdemeanor convictions, only allows them to be considered.

The Criminal Offender Employment Act works to prevent public employers from disqualifying people from employment with certain criminal histories. An amendment was passed in 2021 (2021 Special Session- SB2) which prohibits the consideration of any misdemeanor.

The 2021 amendment limitation applies to all public employment and licensure, including fields such as Acupuncturist, Chiropractor, and body artists. However, as it is written, the 2021 amendment also applies to the consideration of background clearances for licensed child care educators, caregivers for vulnerable adults, licensure for public education positions, and employees working with the most vulnerable children in CYFD. Those agencies are currently prohibited from considering any misdemeanors in processing background check clearances and applications for licensure, including convictions for the following:

Abandonment of a Child, Cruelty to Animals, Enticement of a Child, Indecent Exposure, Voyeurism, Assault, Battery, Aggravated Battery, Assault Upon a School Employee, Assault Against a Household Member, Battery Against a Household Member, Aggravated Battery Against

a Household Member, Harassment, Stalking, Obstruction of Reporting or Investigation of Child Abuse or Neglect, Negligent Use of a Deadly Weapon, Negligent Use of Explosives, Dog Fighting or Cock Fighting.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

State agencies who conduct background clearances for child care providers and caregivers will continue to be prohibited from considering an applicant's serious misdemeanor conviction when deciding whether to clear applicants for work with the most vulnerable New Mexicans.

## **AMENDMENTS**