

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2025-01-23

Bill No: *SB66

Sponsor(s) Katy M. Duhigg
:

Agency Name CYFD 69000
and Code
Number:

Person Writing

Analysis:

Phone:

Short CRIMINAL OFFENDER

Title: EMPLOYMENT

EXEMPTIONS

Email:

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 66 (SB66) would exempt the Children, Youth, and Families Department (CYFD) from the Criminal Offender Employment Act. This would apply to any positions that require licensure or background clearance. The agency would have to create its own internal policies regarding criminal history to determine if applicants are eligible to be hired.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

SB66 would enhance protections for children in CYFD custody by granting the agency the authority to establish its own criteria for determining which criminal offenses render an applicant ineligible for employment. Under the existing statute, CYFD is only permitted to consider applicants with felony convictions, provided those convictions are directly related to the positions for which they are applying. By exempting CYFD from the provisions of the Criminal Offender Employment Act, SB 66 would enable the agency to disqualify applicants based on certain criminal offenses based on CYFD discretion and as promulgated in rule. This legislation would provide CYFD with greater flexibility and control in its hiring decisions.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

CYFD will have to implement its own rules and policies regarding an applicant's eligibility to be hired with a criminal conviction. CYFD will have to make sure that those policies and rules are in line with other state and federal law and create a system for implementation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD will be required to consider certain applicants for employment who may not be suitable for roles involving work with children and families. This will limit the agency's discretion in determining which criminal convictions are considered disqualifying for employment within the department.

AMENDMENTS

None.