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FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/07
LAST UPDATED 3/12/07

SPONSOR Kernan HB _____

SHORT TITLE Convicted Criminal Barriers To Employment SB SJM 4/aSJC/aHJC

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HJM 2

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Labor (NMDOL)
Regulation and Licensing Department (RLD)
State Personnel Board (SPO)

SUMMARY

Synopsis of HJC Amendment

House Judiciary Committee amendment to Senate Joint Memorial 4, as amended, removes all the amendments adopted by the Senate Judiciary Committee which returns the bill to its original state.

Synopsis of SJC Amendment

Senate Judiciary Committee amendment to Senate Joint Memorial 4 adds language requiring the Secretary of Labor to consult with the Secretary of Corrections and requires the Secretary of Corrections or the Secretary's designee to be a member of the task force.

Synopsis of Original Bill

Senate Joint Memorial 4 requests that the Secretary of Labor convene a task force to review the

Criminal Offenders Employment Act to identify barriers to public employment for persons with criminal convictions and to make recommendations that could remove barriers while protecting the public.

The taskforce is required to identify barriers to employment or licensure for convictions and the rationale and necessity for such barriers. Findings from the taskforce are due to the Interim Legislative Committee by November 1, 2007. The taskforce will operate under the direction of the Secretary of Labor or his designee, and will include the Superintendent of Regulation and Licensing or his designee, the director of state personnel, and representatives from the following: the New Mexico Women's Justice Project; the New Mexico Association of Commerce and Industry; the Federation of Labor, the Criminal Defense Lawyers Association; the District Attorney's Association; and any other entity deemed necessary by the Secretary of Labor.

FISCAL IMPLICATIONS

Minimal staff costs for attending taskforce meetings.

SIGNIFICANT ISSUES

Currently, the Department of Health, Public Education Department, and Children, Youth and Families Department have administered statutorily mandated and regulatory implemented criminal history screening programs. A task force convened by the Secretary of Labor can potentially directly affect long-established statutory and regulatory programs, which were enacted and promulgated through public hearing participation to establish the basis of criminal conviction criteria while balancing the right to employment with the health and safety of the public served.

The task force may eventually make recommendations that have significant impact on the State Personnel Office and other state agencies.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

Staff time spent on the task force would be minimal.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates HJM 2

TECHNICAL ISSUES

The memorial may be strengthened by including various departmental agencies in the task force that are mandated by statute or regulation to serve and protect specific segments of the public and do so by using criminal screening programs.

OTHER SUBSTANTIVE ISSUES

Caregivers Criminal History Screening Act, §29-17-2 through 29-17-5, NMSA 1978, and implementing rule, 7.1.9 NMAC

ALTERNATIVES

Already rehabilitated criminals are provided a broad range of protection in state employment and licensing by the Criminal Offender Employment Act, §28-2-1 N.M.S.A. et. seq. Courts might use the existing laws to provide greater protection.

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