

A MEMORIAL

DIRECTING STATE AGENCIES TO COMPLY WITH THE CRIMINAL OFFENDER EMPLOYMENT ACT AND TO COOPERATE WITH THE WORKFORCE SOLUTIONS DEPARTMENT ON THE CONSISTENT APPLICATION OF THAT ACT.

WHEREAS, research has shown that obtaining gainful employment for a person released from prison is a key factor in rehabilitation, reducing recidivism and ensuring the safety and security of New Mexico citizens; and

WHEREAS, individuals released from prison encounter many barriers when seeking employment or a lawful trade, occupation or profession; and

WHEREAS, in 2007, pursuant to House Memorial 41 and Senate Joint Memorial 4, the secretary of workforce solutions convened a task force to review barriers to public employment for persons with criminal convictions and to make recommendations for removing those barriers while protecting the public; and

WHEREAS, the task force found that state agencies are inconsistently applying the provisions of the Criminal Offender Employment Act, including Subsection B of Section 28-2-4 NMSA 1978, which provides for a presumption of sufficient rehabilitation for certain individuals; and

WHEREAS, currently, implementation of the Criminal Offender Employment Act is limited due to a lack of

understanding and inconsistent interpretation of the law;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that each state agency be directed to comply with all of the provisions of the Criminal Offender Employment Act, and to apply the presumption of sufficient rehabilitation set forth in that act; and

BE IT FURTHER RESOLVED that each state agency cooperate with the workforce solutions department and the task force formed pursuant to House Memorial 41 and Senate Joint Memorial 4 in the 2007 session to develop a better understanding of and to consistently apply the provisions of the Criminal Offender Employment Act; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of workforce solutions, the office of the governor and the executive head of every state agency.