

HOUSE JOINT MEMORIAL 13

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

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A JOINT 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

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1 for removing those barriers while protecting the public; and

2 WHEREAS, the task force found that state agencies are  
3 inconsistently applying the provisions of the Criminal Offender  
4 Employment Act, including Subsection B of Section 28-2-4 NMSA  
5 1978, which provides for a presumption of sufficient  
6 rehabilitation for certain individuals; and

7 WHEREAS, currently, implementation of the Criminal  
8 Offender Employment Act is limited due to a lack of  
9 understanding and inconsistent interpretation of the law;

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

15 BE IT FURTHER RESOLVED that each state agency cooperate  
16 with the workforce solutions department and the task force  
17 formed pursuant to House Memorial 41 and Senate Joint Memorial  
18 4 in the 2007 session to develop a better understanding of and  
19 to consistently apply the provisions of the Criminal Offender  
20 Employment Act; and

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