

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE MEMORIAL 39

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

INTRODUCED BY

Antonio "Moe" Maestas

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

underscoring material = new
[bracketed material] = delete

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 HOUSE OF
11 REPRESENTATIVES OF THE STATE OF NEW MEXICO that each state
12 agency be directed to comply with all of the provisions of the
13 Criminal Offender Employment Act, and to apply the presumption
14 of sufficient 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.