

April 6, 2009

SENATE EXECUTIVE MESSAGE NO. 26

The Honorable Timothy Z. Jennings, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, NM 87501

Dear President Pro Tempore Jennings and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL 649, as amended, which was enacted during the Forty-Ninth Legislature, First Session, 2009.

This bill represents an improvement over past attempts at expungement legislation, including a bill I vetoed after the 2007 legislative session. As I said in 2007, I understand the intent behind this legislation. I remain concerned that too often a criminal record, even for relatively minor crimes, can become a lifelong burden that inhibits well-meaning and reformed individuals from leading a productive life.

However, I also believe that the removal of arrest and conviction records from public access that Senate Bill 649 would allow is detrimental to public safety and contrary to the public interest as a whole.

There are times when the public should have a right to arrest and conviction information. For example, an employer who hires a driver should be able to compile a full, clear picture of a prospective employee's driving record, including whether that person has a history of DWI or other vehicular crimes. Likewise, employers in education, medicine, and child care, to name a few, may have a legitimate interest in establishing that future employees do not have any violent criminal incidents in their past. Senate Bill 649 will make it more difficult for employers to appropriately and fully evaluate future employees.

