

April 4, 2019

SENATE EXECUTIVE MESSAGE NO. 40

The Honorable Mary Kay Papen, President Pro Tempore and  
Members of the New Mexico State Senate  
State Capitol Building  
Santa Fe, NM 87501

Honorable President Pro Tempore Papen and Members of the Senate:

Pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR SENATE BILL 385, as amended (“SB 385”), enacted by the Fifty-Fourth Legislature, First Session, 2019.

I agree with the general intent behind SB 385, which is to remove barriers to employment and licensing for individuals who have previously been convicted of certain crimes. However, I am troubled by the broad sweep of SB 385 and the inconsistencies it would create in the law. I urge the Legislature to take a more careful approach to these issues by examining them on a profession-by-profession basis and ensuring that the law related to licensure in each profession remains consistent.

A thorough and considered approach is warranted when revising professional licensure requirements. Unfortunately, SB 385 declines to take this route and instead amends Section 28-2-3 NMSA 1978, a generally applicable licensing and employment provision, to prohibit consideration of a conviction for any crime not “directly related” to the licensed profession or employment position. SB 385 also prohibits licensing boards from denying licensure to an applicant who was previously arrested for or convicted of a felony, unless the board can prove that the conviction “directly relates” to the profession for which licensure is sought.

These sweeping provisions place uniform requirements on every licensing board and would therefore impact licensure for numerous and diverse professions, such as architects, physicians, cosmetologists, and public accountants, to name a few. I am uncomfortable with the broad-brush approach employed by the Legislature to address the issue of access to employment and licensing for those with previous convictions. I urge the Legislature to take up this issue again on a profession-by-profession basis with due consideration for the unique public trust placed in each

profession weighed against the benefits of removing barriers to employment and reintegrating into society those who have been convicted, served their time, and wish to contribute their skills.

Although increasing professional opportunities for individuals with prior convictions is a worthy goal, I cannot endorse the Legislature's method of pursuing it in this instance. That is why I vetoed SB 385.

Respectfully yours,

Michelle Lujan Grisham  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: \_\_\_\_\_ a.m. p.m.

Date: \_\_\_\_\_ 2019

By \_\_\_\_\_  
Secretary of State

Time: \_\_\_\_\_ a.m. p.m.

Date: \_\_\_\_\_ 2019

By \_\_\_\_\_  
Chief Clerk of the Senate