

1 A JOINT MEMORIAL

2 REQUESTING THAT THE SECRETARY OF LABOR CONVENE A TASK FORCE
3 TO REVIEW BARRIERS TO PUBLIC EMPLOYMENT FOR PERSONS WITH
4 CRIMINAL CONVICTIONS AND TO MAKE RECOMMENDATIONS THAT COULD
5 REMOVE BARRIERS WHILE PROTECTING THE PUBLIC.

6
7 WHEREAS, the state of New Mexico should be committed to
8 improving the effectiveness of facilitating the reentry of
9 persons with criminal convictions into its communities and
10 reducing the incidence of recidivism; and

11 WHEREAS, gainful employment after release from prison is
12 a critical element necessary to help persons with criminal
13 convictions achieve successful reentry after prison, to
14 reduce recidivism and to make communities safer; and

15 WHEREAS, in the Criminal Offender Employment Act, the
16 New Mexico legislature found that the public is best
17 protected when criminal offenders or ex-convicts are given
18 the opportunity to secure employment or to engage in a lawful
19 trade, occupation or profession and that barriers to such
20 employment should be removed to make rehabilitation feasible;
21 and

22 WHEREAS, pursuant to the Criminal Offender Employment
23 Act, a misdemeanor or felony conviction shall not operate as
24 an automatic bar to obtaining public employment or a license
25 or other authority to practice a particular trade, business

1 or profession; and

2 WHEREAS, other state laws and the rules, policies and
3 practices of boards and agencies that have jurisdiction over
4 public employment or the practice of any trade, business or
5 profession may impose barriers on the employment of persons
6 with criminal convictions; and

7 WHEREAS, a comprehensive review of these statutes,
8 rules, policies and practices should be undertaken to
9 evaluate whether existing barriers are related to the safety,
10 trust and responsibility required of the job or to determine
11 whether a less restrictive approach could protect the public
12 while preserving employment opportunities;

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
14 STATE OF NEW MEXICO that the secretary of labor be requested
15 to convene a task force to review barriers to public
16 employment for persons with criminal convictions and to make
17 recommendations that could remove barriers while protecting
18 the public; and

19 BE IT FURTHER RESOLVED that the task force include the
20 secretary of labor or the secretary's designee; the
21 superintendent of regulation and licensing or the
22 superintendent's designee; the director of the state
23 personnel board; a representative from the New Mexico women's
24 justice project; a representative from the New Mexico
25 association of commerce and industry; a representative from

1 the New Mexico federation of labor; a representative from the
2 New Mexico criminal defense lawyers association; a
3 representative from the New Mexico district attorney's
4 association; and any other entities deemed necessary by the
5 secretary of labor; and

6 BE IT FURTHER RESOLVED that the task force's review and
7 recommendations include the following:

8 A. statutory barriers to public employment;

9 B. barriers to public employment that are based on
10 criminal records for each occupation under the jurisdiction
11 of New Mexico's boards and agencies and the relation of the
12 barriers to the employment;

13 C. the rationale and necessity for the barriers
14 and the criteria and procedures an agency or board has
15 adopted to apply to individual cases;

16 D. the exemption, waiver or review mechanisms
17 available to persons with criminal convictions to remove
18 barriers based on a showing of rehabilitation or otherwise;
19 and

20 E. reforms and changes that may be adopted to
21 safely remove barriers to public employment and to enable
22 offenders to demonstrate their rehabilitation; and

23 BE IT FURTHER RESOLVED that the task force be requested
24 to present its findings and recommendations to the
25 appropriate interim legislative committee no later than

1 November 1, 2007; and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the secretary of labor, the superintendent of
4 regulation and licensing and the director of the state
5 personnel board.

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