

SUPPORT SB66

Criminal Offender Employment Exemptions

Sponsors:
Senator Katy Duhigg and
Senator Heather Berghmans



Support SB66 Criminal Offender Employment Exemptions Bill

SB66 protects children and vulnerable adults by allowing certain agencies to consider misdemeanor convictions such as enticement of a child, stalking, and battery of a household member when conducting background clearances and licenses for caregivers.

Agencies are currently prohibited by the Criminal Offender Employment Act from considering any misdemeanors when evaluating suitability for caregivers.

SB66 Exempts the following agencies from the Criminal Offender Employment Act:

- Early Childhood Education and Care Department (ECECD): Only for applicants seeking licensure or employment in child care facilities.
- Aging and Longterm Services Department (ALTSD) and the Health Care Authority (HCA) as agencies covered by the Caregivers Criminal History Screening Act: Only for applicants seeking caregiver roles listed in the Caregivers Criminal History Screening Act.
- Children Youth and Families Department (CYFD): for any position requiring licensure or background clearances.
- Public Education Department (PED): for applicants seeking licensure under the School Personnel Act.

SB66 also requires each exempt agency to establish rules for criminal history screening and employment eligibility.

BACKGROUND

The Criminal Offender Employment Act works to prevent public employers from disqualifying people from employment with certain criminal histories, which after a 2021 amendment includes prohibiting the consideration of any misdemeanor.

That 2021 amendment limitation also applies to the consideration of background clearances for licensed child care educators, caregivers for vulnerable adults, licensure for public education positions, and employees working with the most vulnerable children in CYFD.

Visit nmeccd.org for more information.

Call us toll-free: 1-800-832-1321.

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