
Bill Analysis 2019 Regular Session**SPONSOR:** Senator Bill O’Neill**SHORT TITLE:** Conviction Info On Job Applications

SYNOPSIS OF BILL: Prohibits private employers that use a written employment application from inquiring into the applicant’s conviction history on the initial job application; does not prohibit an employer from screening an applicant’s criminal history later in the application process.

STRENGTHS: Viewing a job applicant with a record as more than just a checked box is critical to leveling the playing field for the 70 million Americans with an arrest or conviction history.

- Studies show that approximately 1/3 of American adults have a criminal record of arrests or convictions. ¹
- Many qualified applicants are not considered for employment when they have to “check the box” on the initial employment application.
- This legislation would allow qualified applicants to be considered for employment despite that criminal record.
- The legislation in no way prohibits an employer from screening applicants’ criminal histories; it simply moves the screening to after the initial application.
- This legislation protects private employers from claims of discriminatory hiring practices based on an applicant’s criminal background.

ADDITIONAL INFO: Nearly two-thirds of the total U.S. population—over 206 million people—now live in a jurisdiction with a ban-the-box policy that requires public and sometimes private employers to delay record-related inquiries. As of year’s end, 33 states and over 150 cities and counties across the nation have adopted some form of ban-the-box or fair-chance policy. Eleven states—California, Connecticut, Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, and Washington—have also mandated the removal of conviction history questions from job applications for *private* employers, a change that advocates embrace as the next step in the evolution of these policies. ¹

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
By increasing access to employment for people who have a criminal background, this legislation will help reduce recidivism and provide a better quality of life for many New Mexico families. The bill does not make employers less safe because it still allows for criminal background screening.	N/A	The cost of implementing these changes for employers is negligible while the potential economic impact for families in need is huge.	The Annie E. Casey Foundation in 2016 ranked New Mexico as one of the highest states in the country for rates of incarcerated or formerly incarcerated parents. ² In a state that is also ranked at the bottom for child welfare, this legislation increases access to jobs for parents and will have a direct positive impact on children.	A

1 *Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies*, National Employment Law Project (2018). Retrieved at <https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>.

2 *A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities*, Annie E. Casey Foundation (2016). Retrieved at <https://www.aecf.org/resources/a-shared-sentence/>.