

SB78

**nmSAFE**

Making New Mexico safe for all children & families

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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Sen. Bill O'Neill/Rep. Alonzo Baldonado

**SHORT TITLE:** Private Employer Conviction Inquiries

**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.
- 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, 24 states and over 150 cities and counties across the nation have adopted some form of ban-the-box or fair-chance policy. In just 2016, five new states were added to that tally—Louisiana, Missouri, Oklahoma, Tennessee, and Wisconsin and over twenty percent of the U.S. population now lives in a jurisdiction that has banned the box for private employers.

<b><u>S</u>afer</b>	<b><u>A</u>political</b>	<b><u>F</u>iscally-Responsible</b>	<b><u>E</u>vidence Based</b>	<b>Grade</b>
<p>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.</p>	<p>N/A</p>	<p>The cost of implementing these changes for employers is negligible while the potential economic impact for families in need is huge.</p>	<p>The Annie E. Casey Foundation this year ranked New Mexico as one of the highest states in the country for rates of incarcerated or formerly incarcerated parents. 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.</p>	<p><b>A</b></p>