

Legislators hoping to 'ban the box' in NM

Written by By Andy Lyman NM Political Report
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A national conversation about criminal justice reform and employing convicted criminals is making its way back to New Mexico.

After an unsuccessful attempt to pass legislation that would prohibit asking applicants about past criminal convictions, Sen. Bill O'Neill, D-Alb., brought the discussion to an interim legislative committee Sept. 22.

O'Neill and Rep. Alonzo Baldonado, R-Los Lunas, fielded questions and concerns from the committee. Rep. Rick Little, R-Chaparral, said he was concerned about the hiring of teachers and faculty who might be working with children. He cited the recent Albuquerque Public School scandal involving a former deputy superintendent.

Baldonado assured Little and the rest of the group that there are already exemptions for hiring teachers and asking about criminal history on an initial application.

When asked by Little if employers would still ask about criminal history in an interview, Baldonado said it depends on the employer.

"Some employers may ask every question under the sun," Baldonado said. "Others might say, 'Get your tools and let's get to work.'"

O'Neill told New Mexico Political Report that he plans to keep making changes to his draft until he gets an endorsement from the committee.

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“I’m going to just keep working on the language and make sure that small businesses have their concerns addressed,” O’Neill said.

O’Neill introduced a similar bill during the 2015 legislative session. That bill narrowly passed the Senate and passed its first House committee, but never made it to the floor for a vote. The Senate has a Democratic majority, while Republicans are a majority in the House.

According to the language in the discussion draft, both public and private employers would be prohibited from asking an applicant about prior convictions until after the applicant is cleared through the initial application process.

The idea of “banning the box” on employment applications that ask of criminal history has gained momentum across the country with a number of lawmakers from around the country introducing similar laws.

Earlier on Tuesday, the Palm Beach Post reported that a congressman from Florida was the latest lawmaker to be a cosponsor for a similar bill. U.S. Sen. Cory Booker, D-N.J., introduced a similar measure in the Senate.

According to its website, the Ban the Box Campaign aims to discount past criminal convictions for potential applicants.

“The campaign challenges the stereotypes of people with conviction histories by asking employers to choose their best candidates based on job skills and qualifications, not past convictions.”

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