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HOUSE BILL 162

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

David C. Chavez

AN ACT

RELATING TO DOMESTIC AFFAIRS; LIMITING THE RECOGNITION OF
CERTAIN MARRIAGES AND CIVIL UNIONS ENTERED INTO OUTSIDE NEW
MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 40-1-4 NMSA 1978 (being Laws 1862-
1863, p.64, as amended) is amended to read:

"40-1-4. FOREIGN MARRIAGES RECOGNIZED.-- [~~Sec. 5.~~]

A. Except as provided in Subsection B of this
section, all marriages celebrated beyond the limits of this
state [~~which~~] that are valid according to the laws of the state
or country [~~wherein~~] in which they were celebrated or
contracted shall be [~~likewise~~] valid in this state and shall
have the same force as if they had been celebrated in
accordance with the laws in force in this state.

.183970.3

underscoring material = new
[bracketed material] = delete

1 B. A marriage, civil union or similar relationship
2 entered into by persons of the same sex, either pursuant to
3 statute or common law, that is recognized by another state or
4 country, is void and not recognized for any purpose in this
5 state, and contractual or other rights granted by virtue of
6 such marriage, civil union or similar relationship, including
7 its termination, are unenforceable in this state.

8 C. The legislature finds that in the exercise of
9 the state's police power and recognizing the state's strong
10 interest in governing the relationships between married
11 persons, the provisions of Subsection B of this section shall
12 apply retroactively."

13 SECTION 2. SEVERABILITY.--If any part or application of
14 the provisions of this act is held invalid, the remainder or
15 its application to other situations or persons shall not be
16 affected.

17 SECTION 3. APPLICABILITY.--The provisions of this act
18 shall apply retroactively.