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HOUSE BILL 5

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2005

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO PUBLIC OFFICIALS; PROVIDING FOR SUSPENSION OF
POWERS AND DUTIES OF AN ELECTED OFFICIAL CHARGED WITH A FELONY
PENDING THE OUTCOME OF THE CHARGES; PROVIDING FOR SUSPENSION OF
PAYMENT OF SALARY PENDING THE OUTCOME OF THE CHARGES; DECLARING
AN EMERGENCY.

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

Section 1. Section 10-1-2 NMSA 1978 (being Laws 1912,
Chapter 44, Section 1, as amended) is amended to read:

"10-1-2. PUBLIC OFFICE--QUALIFICATION--CRIMINAL CHARGES--
SUSPENSION. -- [Sec. 2. ~~That~~]

A. No person convicted of a [~~felonious or infamous
crime~~] felony, unless such person has been pardoned or restored
to political rights, shall be qualified to be elected or
appointed to any public office in this state.

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B. Upon being charged with a felony, an elected official shall, pending the outcome of the charge:

(1) be suspended from office;

(2) not receive a salary or other remuneration related to that office; and

(3) not exercise any powers or duties of that office.

C. If the elected official is acquitted or the charges are dismissed, the official shall receive the salary or other remuneration that the official would have received had the suspension not occurred. "

Section 2. APPLICABILITY.--The provisions of this act apply to all elected officials in office on or after the effective date of this act.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.