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HOUSE BILL 503

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

INTRODUCED BY

Dennis J. Kintigh

AN ACT

RELATING TO CRIMINAL PROSECUTIONS; REQUIRING STATE PROSECUTORS TO CONSULT WITH FEDERAL PROSECUTORS BEFORE BRINGING CHARGES IN CERTAIN CRIMINAL CASES; PROVIDING THAT A FEDERAL JUDGMENT IS A BAR TO A SUBSEQUENT STATE PROSECUTION IN CERTAIN CIRCUMSTANCES.

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

**SECTION 1. CONCURRENT JURISDICTION IN CRIMINAL CASES.--**

A. Whenever a criminal matter involves concurrent state and federal jurisdiction, state prosecutors shall consult with their federal counterparts to determine the most appropriate single forum in which to proceed to satisfy the state and federal interests involved and, if possible, resolve all criminal liability in one forum.

B. When a federal prosecution is underway and the state is contemplating bringing criminal charges based on

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1 substantially the same acts or transactions, state prosecutors  
2 shall:

3 (1) consult with their federal counterparts  
4 before bringing criminal charges; and

5 (2) ensure that instituting criminal charges  
6 in state court will not prejudice the federal case.

7 C. A federal judgment of conviction or acquittal on  
8 the merits shall be a bar to any subsequent state prosecution  
9 for the same act or acts, unless:

10 (1) the matter involves a substantial state  
11 interest; and

12 (2) the prior prosecution has left the  
13 substantial state interest unvindicated.

14 SECTION 2. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2011.