SENATE JOINT RESOLUTION 18

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

INTRODUCED BY

Rod Adair

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF NEW MEXICO TO
REQUIRE NEW MEXICO COURTS TO UPHOLD AND ADHERE TO THE UNITED
STATES AND NEW MEXICO CONSTITUTIONS, STATUTES, RULES AND COMMON
LAW AND, IF NECESSARY, THE LAWS OF OTHER STATES; TO PROHIBIT
NEW MEXICO COURTS FROM CONSIDERING LEGAL PRECEPTS OF OTHER
NATIONS OR CULTURES, INTERNATIONAL LAW, LAWS PROMULGATED BY
FOREIGN GOVERNMENTS OR NATIONAL LAWS OF FOREIGN COUNTRIES IF
THE LEGAL PRECEPTS OR LAWS WOULD VIOLATE NEW MEXICO PUBLIC
POLICY OR THE RIGHTS OF NEW MEXICO RESIDENTS; AND TO PROHIBIT
NEW MEXICO COURTS FROM CONSIDERING OR APPLYING SHARIA LAW.

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

SECTION 1. It is proposed to amend Article 6 of the
constitution of New Mexico by adding a new section to read:

"A. The courts provided for in this article, when

exercising their judicial authority, shall uphold and adhere to the law as provided in the United States constitution, the constitution of New Mexico, statutes of the United States and federal regulations adopted pursuant thereto, established common law, New Mexico statutes and state regulations adopted pursuant thereto and, if necessary, the law of another state of the United States, provided that the law of the other state does not include Sharia law.

B. The courts shall not consider or apply a rule of comity to the legal precepts of other nations or cultures, international law, laws promulgated by foreign governments or national laws of foreign countries if the consideration or application of the foreign precepts or laws would violate the public policy of the state of New Mexico or reduce or impair the rights of any resident of the state of New Mexico existing under New Mexico statutes or common law governing child custody, rights of married persons, property rights, protection from domestic violence or any criminal law.

C. The courts shall not consider or apply Sharia law.

D. The provisions of this section shall apply to all cases before the respective courts, including, but not limited to, cases of first impression."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or
rejection at the next general election or at any special
election prior to that date that may be called for that
purpose.

- 3 -