

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 295

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

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10 AN ACT

11 RELATING TO DOMESTIC AFFAIRS; CLARIFYING THE PROCESS OF
12 SOLEMNIZATION, LICENSURE AND CONTRACTS FOR MARRIAGE; PROVIDING
13 DEFINITIONS; ALLOWING APPEARANCE BY REMOTE COMMUNICATION
14 TECHNOLOGY FOR THE ISSUANCE OF A MARRIAGE LICENSE FOR ARMED
15 FORCES MEMBERS WHO ARE DEPLOYED OR ON ACTIVE DUTY; PROVIDING
16 FORMS; PROVIDING CIRCUMSTANCES FOR VOIDABLE MARRIAGES; AMENDING
17 FEES; PRESCRIBING MARRIAGE RECORDING AND INDEXING GUIDELINES;
18 AMENDING PENALTIES; REVISING TERMS THAT DESCRIBE PARTIES TO A
19 MARRIAGE; CLARIFYING PROPERTY RIGHTS; AMENDING, REPEALING AND
20 ENACTING SECTIONS OF CHAPTER 40, ARTICLE 1 NMSA 1978; PROVIDING
21 A DELAYED REPEAL.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 SECTION 1. A new Section 40-1-1.1 NMSA 1978 is enacted to
25 read:

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1 "40-1-1.1. [NEW MATERIAL] DEFINITIONS.--As used in
2 Chapter 40, Article 1 NMSA 1978:

3 A. "armed forces" means:

4 (1) the active or reserve components of the
5 United States army, navy, air force, marine corps, space force,
6 coast guard or merchant marine;

7 (2) the commissioned corps of the United
8 States public health service, the national oceanic and
9 atmospheric administration or the astronaut program of the
10 national aeronautics and space administration; and

11 (3) the army national guard division and the
12 air national guard division of the department of military
13 affairs;

14 B. "civil officer" means a person who is:

15 (1) an actively serving official elected to
16 any nonjudicial office established by the constitution of New
17 Mexico, the laws of this state, including its political
18 subdivisions, or the United States constitution;

19 (2) an attorney licensed to practice law in
20 this state;

21 (3) a notarial officer; or

22 (4) designated as a civil officer by the laws
23 or customs of an Indian nation, tribe or pueblo, if the nation,
24 tribe or pueblo designates civil officers;

25 C. "Indian nation, tribe or pueblo" means an

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1 indigenous nation, tribe, pueblo or other band, organized group
 2 or community of Indians, including an Alaskan Native tribe,
 3 which is federally recognized by the bureau of Indian affairs
 4 of the United States department of the interior;

5 D. "judicial officer" means a person who is:

6 (1) a justice or judge of any of the courts
 7 established by the constitution or laws of New Mexico;

8 (2) a justice or judge of any of the courts
 9 established by the constitution or laws of the United States;

10 or

11 (3) designated as a judicial officer by the
 12 laws or customs of an Indian nation, tribe or pueblo, if the
 13 nation, tribe or pueblo designates judicial officers;

14 E. "military officer" means a person who is a
 15 commissioned officer of:

16 (1) the armed forces;

17 (2) the state defense force division or the
 18 civil air patrol division of the department of military
 19 affairs; or

20 (3) a military officer designated by the laws
 21 or customs of an Indian nation, tribe or pueblo, if the nation,
 22 tribe or pueblo designates military officers;

23 F. "registered marriage officer" means a person who
 24 desires to solemnize a civil contract of marriage and who,
 25 before solemnizing such civil contract of marriage, has filed a

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1 notarized statement in the previous two years with the county
2 clerk who issued the marriage license attesting that the person
3 is at least eighteen years of age and desires to be a
4 registered marriage officer;

5 G. "religious ceremony" means a ceremony conducted
6 pursuant to any exercise of religion, whether or not compelled
7 by or central to a system of religious belief, construed in
8 favor of a broad protection of religious exercise to the
9 maximum extent pursuant to the state and federal constitutions;

10 H. "religious society" means a nonprofit religious
11 organization, including a church, mosque, synagogue, temple,
12 denominational ministry, nondenominational ministry,
13 interdenominational or ecumenical organization, mission
14 organization, faith-based social agency, religious educational
15 institution or any other nonprofit entity whose principal
16 purpose is the study, practice or advancement of religion;
17 "religious society" does not include a society, organization,
18 institution, service or corporation, whether for profit or
19 nonprofit, whose primary purpose is to provide ordinations or
20 authorizations for the purpose of solemnizing the civil
21 contract of marriage;

22 I. "religious officer" means a person who is:
23 (1) ordained as clergy by a religious society;
24 (2) authorized to solemnize the civil contract
25 of marriage by the rites, rules or customs of a religious

1 society; and

2 (3) designated by the laws or customs of an
3 Indian nation, tribe or pueblo as a religious officer, if the
4 nation, tribe or pueblo designates religious officers;

5 J. "retired officer" means a person who has served
6 a cumulative of at least eight years as a justice, judge,
7 elected official or military officer; provided that a person
8 who has served at least eight years as:

9 (1) a justice or judge may also be referred to
10 as a "retired judicial officer";

11 (2) an elected official may also be referred
12 to as a "retired elected officer"; and

13 (3) a military officer may also be referred to
14 as a "retired military officer"; and

15 K. "solemnize" means to join in marriage before:

16 (1) witnesses by means of a ceremony; or

17 (2) the county clerk or deputy county clerk by
18 contract in the county clerk's office."

19 SECTION 2. Section 40-1-2 NMSA 1978 (being Laws 1859-
20 1860, p. 120, as amended) is amended to read:

21 "40-1-2. MARRIAGES SOLEMNIZED--~~[ORDAINED CLERGY OR CIVIL~~
22 ~~MAGISTRATES]~~ WHO MAY SOLEMNIZE.--

23 A. The civil contract of marriage is entered into
24 when solemnized as provided in Chapter 40, Article 1
25 NMSA 1978. As used in Chapter 40, Article 1 NMSA 1978,

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1 ~~["solemnize" means to join in marriage before witnesses by~~
2 ~~means of a ceremony]~~ a civil contract of marriage entered into
3 pursuant to the laws of this state shall only be solemnized:

4 (1) in a ceremony celebrated within the
5 territorial limits of this state using a license issued by a
6 county clerk of this state; or

7 (2) by contract at the county clerk's office
8 at the time the license is issued.

9 B. ~~[A person who is an ordained member of the~~
10 ~~clergy or who is an authorized representative of a federally~~
11 ~~recognized Indian nation, tribe or pueblo may solemnize the~~
12 ~~contract of marriage without regard to sect or rites and~~
13 ~~customs the person may practice.]~~ The civil contract of
14 marriage may be solemnized in a ceremony in this state by a:

15 (1) civil officer;

16 (2) judicial officer;

17 (3) military officer;

18 (4) registered marriage officer;

19 (5) religious officer; or

20 (6) retired officer.

21 C. ~~[Active or retired judges, justices and~~
22 ~~magistrates of any of the courts established by the~~
23 ~~constitution of New Mexico, United States constitution, laws of~~
24 ~~the state or laws of the United States are civil magistrates~~
25 ~~having authority to solemnize contracts of marriage. Civil~~

1 ~~magistrates solemnizing contracts of marriage~~ A judicial
 2 officer shall charge no fee [therefor] to solemnize a contract
 3 of marriage.

4 D. The civil contract of marriage may be solemnized
 5 in the county clerk's office at the time the license is issued.
 6 Marriage by contract before the county clerk or deputy county
 7 clerk issuing the license pursuant to this subsection does not
 8 require a ceremony or witnesses."

9 SECTION 3. Section 40-1-3 NMSA 1978 (being Laws 1862-
 10 1863, p. 66, as amended) is amended to read:

11 "40-1-3. CEREMONY BY RELIGIOUS SOCIETY OR INDIAN NATION,
 12 TRIBE OR PUEBLO.--[It is lawful for]

13 A. Any religious society or [federally recognized]
 14 Indian nation, tribe or pueblo [to] may lawfully solemnize a
 15 marriage conformably with its rites and customs, and the
 16 secretary of the society or the person authorized by the
 17 society or [federally recognized] Indian nation, tribe or
 18 pueblo shall make and transmit a transcript to the county clerk
 19 certifying to the marriages solemnized.

20 B. A religious officer may solemnize the contract
 21 of marriage without regard to the sect or rites and customs the
 22 person may practice.

23 C. Religious societies or Indian nations, tribes or
 24 pueblos shall not be required to provide services,
 25 accommodations, advantages, facilities, goods or privileges for

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1 the solemnization or celebration of a marriage.

2 D. Nothing in Chapter 40, Article 1 NMSA 1978 shall
3 be construed in any manner to interfere with any form of
4 religious ceremony, traditional indigenous ceremony, additional
5 regulation or requirement prescribed by any religious society
6 or Indian nation, tribe or pueblo nor with any records kept by
7 them.

8 E. Nothing in Chapter 40, Article 1 NMSA 1978 shall
9 be construed to diminish or abrogate a religious liberty or
10 conscience protection otherwise available to an individual or
11 organization under the federal or state constitutions or under
12 federal or state law or with the rites and customs of an Indian
13 nation, tribe or pueblo."

14 SECTION 4. Section 40-1-4 NMSA 1978 (being Laws 1862-
15 1863, p.64, as amended) is amended to read:

16 "40-1-4. FOREIGN MARRIAGES RECOGNIZED.--~~[See. 5.]~~

17 A. All marriages celebrated beyond the limits of
18 this state [~~which~~] that are valid according to the laws of the
19 country [~~wherein~~] or state in which they were celebrated or
20 contracted shall be [~~likewise~~] valid in this state and shall
21 have the same force as if they had been celebrated in
22 accordance with the laws in force in this state; provided that
23 a marriage celebrated beyond the limits of this state pursuant
24 to Chapter 40, Article 1 NMSA 1978 that is declared void as
25 contrary to the compact with the United States is void in this

1 state notwithstanding the laws of the state or country wherein
 2 the marriage was celebrated or contracted.

3 B. The state gives its full faith and credit to any
 4 marriage between two individuals solemnized in another state or
 5 country, regardless of the sex, sexual orientation, gender,
 6 gender identity, race, ethnicity or national origin of those
 7 individuals."

8 SECTION 5. Section 40-1-6 NMSA 1978 (being Laws 2013,
 9 Chapter 144, Section 4) is amended to read:

10 "40-1-6. ~~[RESTRICTIONS ON]~~ MARRIAGE OF MINORS--
 11 VOIDABLE.--

12 A. The county clerk shall not issue a marriage
 13 license to ~~[an unemancipated]~~ a person ~~[sixteen or seventeen~~
 14 ~~years of age]~~ under the age of eighteen, and no person
 15 authorized by the laws of this state to solemnize marriages
 16 shall knowingly unite in marriage any person ~~[sixteen or~~
 17 ~~seventeen years of age, unless the minor first receives the~~
 18 ~~written consent of each of the minor's living parents as shown~~
 19 ~~on the minor's certificate of birth, or the district court has~~
 20 ~~authorized the marriage of such person upon request of a parent~~
 21 ~~or legal guardian of the person for good cause shown, and a~~
 22 ~~certified copy of the judicial authorization is filed with the~~
 23 ~~county clerk]~~ under the age of eighteen.

24 B. ~~[The county clerk shall not issue a marriage~~
 25 ~~license to any person under sixteen years of age, and no person~~

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1 ~~authorized by the laws of this state to solemnize marriages~~
2 ~~shall knowingly unite in marriage any person under sixteen~~
3 ~~years of age, unless the children's or family court division of~~
4 ~~the district court has first authorized the marriage of the~~
5 ~~person upon request of a parent or legal guardian of the person~~
6 ~~in settlement of proceedings to compel support and establish~~
7 ~~parentage, or where an applicant for the marriage license is~~
8 ~~pregnant, and a certified copy of the judicial authorization is~~
9 ~~filed with the county clerk] A marriage with or between persons
10 under the prohibited age is voidable as provided in this
11 section by or on behalf of a party to the marriage who was a
12 minor at the time of the ceremony purporting to solemnize the
13 civil contract of marriage. A person who at the time of the
14 marriage in this state was a minor and who has not attained the
15 age of nineteen may file, under oath, a notice of void marriage
16 at the office of the county clerk where the original marriage
17 license was filed.~~

18 C. A cause of action shall not be required for the
19 dissolution of a voidable marriage entered into in this state,
20 but upon a cause of action for dissolution of the marriage
21 instituted by a person who at the time of the marriage was a
22 minor and who has not attained the age of nineteen, by next
23 friend or a parent or legal guardian of the minor or by the
24 district attorney, regardless of whether the voidable marriage
25 was entered into in this state, the district court shall enter

1 a decree declaring such marriage to a minor void. The court
 2 may, in its discretion, grant alimony until the minor
 3 emancipates, remarries or reaches the age of nineteen. When
 4 declaring a voidable marriage to be void, the court shall apply
 5 the laws of this state regarding community property and child
 6 support in the same manner as if the marriage had been entered
 7 into lawfully.

8 D. No party to the marriage who was over the
 9 prohibited age at the time of the marriage shall be allowed to
 10 file a notice of void marriage at the office of the county
 11 clerk or apply for or obtain a decree of the court declaring
 12 the marriage void. Should a party to a voidable marriage
 13 predecease the other party, the laws of this state regarding
 14 inheritance and probate shall apply as if the marriage had been
 15 entered into lawfully. If the parties should remain married
 16 until each of the parties has attained the age of nineteen, the
 17 marriage shall not be voidable."

18 SECTION 6. Section 40-1-7 NMSA 1978 (being Laws 1876,
 19 Chapter 31, Section 1, as amended) is amended to read:

20 "40-1-7. INCESTUOUS MARRIAGES--VOID.--

21 ~~[All]~~ A. The following marriages between relations
 22 [and children, including] are void:

23 (1) grandparents [and] with grandchildren, [of
 24 all degrees; between] including great-grandparents with great-
 25 grandchildren;

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- 1 (2) parents with their children;
2 (3) siblings, being brothers [and] or sisters;
3 ~~[of full blood or of half blood; between]~~
4 (4) cousins within the first degree of
5 consanguinity; and
6 (5) aunts or uncles, [and] with nieces [and
7 ~~between aunts and] or nephews [are declared incestuous and~~
8 ~~absolutely void].~~

9 B. A marriage between relatives within the
10 prohibited degrees at the time the civil contract of marriage
11 was solemnized is declared void. A person who was within the
12 prohibited degree of relations at the time of a marriage in
13 this state may file, under oath, a notice of void marriage at
14 the office of the county clerk where the original marriage
15 license was filed.

16 C. No cause of action is required for the
17 dissolution of a void marriage entered into in this state, but
18 upon a cause of action for dissolution of the marriage
19 instituted by a party to the marriage or by the district
20 attorney, regardless of whether the void marriage was entered
21 into in this state, the district court shall enter a decree
22 declaring such incestuous marriage void. When declaring an
23 incestuous marriage void, the court shall apply the laws of
24 this state regarding community property, child support and
25 spousal support in the same manner as if the marriage had been

1 entered into lawfully.

2 D. Should a party to an incestuous marriage
 3 predecease the other party, the laws of this state regarding
 4 inheritance shall apply as if the marriage had been entered
 5 into lawfully."

6 SECTION 7. Section 40-1-9 NMSA 1978 (being Laws 1876,
 7 Chapter 32, Section 1, as amended) is repealed and a new
 8 Section 40-1-9 NMSA 1978 is enacted to read:

9 "40-1-9. [NEW MATERIAL] POLYGAMOUS OR PLURAL MARRIAGES--
 10 VOID.--Pursuant to Section 1 of the Compact with the United
 11 States, polygamous or plural marriages are prohibited in this
 12 state. A polygamous or plural marriage in this state is
 13 declared void as contrary to the Compact with the United
 14 States, regardless of whether the marriage was initially
 15 celebrated in this state or became polygamous or plural in this
 16 state; provided that:

17 A. a marriage that was initially entered into
 18 lawfully that later became polygamous or plural is not void
 19 with regard to the initial marriage, but any polygamous or
 20 plural additions to the initial marriage are declared void as
 21 contrary to the Compact with the United States, regardless of
 22 whether the initial marriage or additions to the marriage were
 23 initially celebrated in this state;

24 B. a person who has entered into a polygamous or
 25 plural marriage in this state may file, under oath, a notice of

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1 void marriage as to that person at the office of the county
2 clerk where the original marriage license was filed;

3 C. no cause of action is required for the
4 dissolution of a void marriage or those aspects of a marriage
5 that are void pursuant to this section if entered into in this
6 state, but upon a cause of action for dissolution of the
7 marriage instituted by any person, regardless of whether the
8 void marriage or those aspects of the marriage which are void
9 were entered into in this state, the district court shall enter
10 a decree declaring such polygamous or plural marriage void or
11 the polygamous or plural aspects of a marriage void;

12 D. upon declaring a polygamous or plural marriage
13 void or the polygamous or plural aspects of a marriage void,
14 the court shall apply the laws of this state regarding
15 community property, child support and spousal support in the
16 same manner as if the marriage or aspects of the marriage had
17 been entered into lawfully;

18 E. upon entering a decree pursuant to this section,
19 the district court shall send a copy of the decree to the
20 district attorney; and

21 F. if a party to a polygamous or plural marriage
22 should predecease the other parties to that marriage, the laws
23 of this state regarding inheritance and probate shall apply as
24 if the marriage or that aspect of the marriage had been entered
25 into lawfully."

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1 SECTION 8. Section 40-1-10 NMSA 1978 (being Laws 1905,
2 Chapter 65, Section 1, as amended) is amended to read:

3 "40-1-10. LICENSE REQUIRED--COUNTY CLERK.--

4 A. Each couple desiring to marry pursuant to the
5 laws of New Mexico shall first obtain a license from a county
6 clerk of this state and, following a ceremony conducted in this
7 state, file the license for recording in the county issuing the
8 license. A marriage license may be used in a ceremony
9 conducted within six months of obtaining the marriage license.
10 If the ceremony is not conducted within six months of issuance
11 of the marriage license, the license shall expire and may not
12 be used to solemnize the civil contract of marriage.

13 B. A marriage license shall be issued to any couple
14 in New Mexico who otherwise qualifies pursuant to Chapter 40,
15 Article 1 NMSA 1978, regardless of the sex, sexual orientation,
16 gender, gender identity, race, ethnicity or national origin of
17 the two individuals seeking to obtain the marriage license.

18 ~~[B.]~~ C. To obtain a marriage license, the couple
19 shall personally appear at the office of the county clerk or
20 before the county clerk or an assigned deputy county clerk
21 issuing the license and provide sufficient identification to
22 satisfy the county clerk or deputy county clerk as to each
23 person's identity and qualification to receive a marriage
24 license pursuant to Chapter 40, Article 1 NMSA 1978. On
25 application to a judge of the district court, the court, for

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1 good cause, may authorize a person unable to appear personally
2 to obtain a license from the county clerk, and a certified copy
3 of the judicial authorization shall be filed with the county
4 clerk.

5 D. A member of the armed forces who is deployed or
6 activated to a duty assignment or station outside of this state
7 may be issued a marriage license without appearing personally
8 in the office of the county clerk and without a judicial
9 authorization as provided for in Subsection C of this section
10 if:

11 (1) the other party to the marriage appears
12 personally in the office of the county clerk or before the
13 county clerk or an assigned deputy county clerk;

14 (2) at least one party to the marriage is a
15 permanent or temporary resident of the county of the county
16 clerk's office issuing the license;

17 (3) the deployed person fills out the
18 declaration provided by the county clerk for this purpose;

19 (4) a copy of the order deploying or
20 activating the person and indicating the place of the duty
21 assignment or station is attached to the declaration;

22 (5) the declaration and copy of the deployment
23 or activation order is filed with the county clerk; and

24 (6) the civil contract of marriage is
25 solemnized by means of a ceremony in this state in which the

1 deployed member appears by remote communication technology,
 2 while the other party to the marriage, the person solemnizing
 3 the marriage and the witnesses are located in this state.

4 ~~[G.]~~ E. The county clerk shall:

5 (1) ~~[shall]~~ collect the social security number
 6 of ~~[an applicant]~~ the applicants for a marriage license who
 7 have been assigned a social security number only as provided
 8 for in Section 27-1-10 NMSA 1978;

9 (2) ~~[shall]~~ not make available a social
 10 security number to another person except as provided for in
 11 Section 27-1-10 NMSA 1978; and

12 (3) ~~[may]~~ thirty days after the commencement
 13 of each fiscal year, dispose of, in a secure manner, those
 14 social security numbers collected in the previous fiscal year
 15 that have not been requested as provided for in Section 27-1-10
 16 NMSA 1978."

17 SECTION 9. Section 40-1-11 NMSA 1978 (being Laws 1957,
 18 Chapter 33, Section 1, as amended) is amended to read:

19 "40-1-11. FEES--DISPOSITION.--The county clerk shall
 20 receive a fee of ~~[twenty-five dollars (\$25.00)]~~ fifty dollars
 21 (\$50.00) for each of the following instruments and, except as
 22 otherwise provided in this section, such fees shall be
 23 deposited in the county clerk recording and filing fund for:

24 A. issuing, acknowledging and recording a marriage
 25 license and marriage certificate, unless neither party to the

1 marriage has an address in the county, in which case the fee
2 shall be one hundred dollars (\$100), and of which fifteen
3 dollars (\$15.00) of each fee for issuing, acknowledging and
4 recording a marriage license and marriage certificate shall be
5 remitted by the county treasurer to the state treasurer, within
6 fifteen days of the last day of each month, for credit to the
7 children's trust fund;

8 B. recording a form submitted by a person desiring
9 to be a registered marriage officer;

10 C. recording a declaration submitted by a member of
11 the armed forces who is deployed or activated to a duty
12 assignment or station outside this state;

13 D. recording a notice of void marriage for reason
14 of one or both of the parties being below the permitted age,
15 for reason that the marriage is incestuous or for reason that
16 the marriage or aspects of the marriage are polygamous or
17 plural; or

18 E. issuing a certificate of correction or
19 correcting or reissuing an application for a marriage license,
20 a marriage license or a certificate of marriage upon an order
21 of the district court."

22 SECTION 10. Section 40-1-14 NMSA 1978 (being Laws 1905,
23 Chapter 65, Section 3, as amended) is amended to read:

24 "40-1-14. PRODUCTION OF LICENSE AND PROOF OF LEGAL
25 QUALIFICATIONS.--~~[Prior to a ceremony]~~

1 A. All persons authorized to solemnize the civil
 2 contract of marriage by ceremony shall first require the
 3 parties contemplating marriage to produce a license signed and
 4 sealed by the county clerk issuing the license.

5 B. Nothing in Chapter 40, Article 1 NMSA 1978 shall
 6 excuse any person authorized by the laws of this state to
 7 solemnize the civil contract of marriage by ceremony or by
 8 contract from being satisfied as to the legal qualifications of
 9 any parties desiring to be married, in addition to the
 10 authority conferred by the license."

11 SECTION 11. Section 40-1-15 NMSA 1978 (being Laws 1905,
 12 Chapter 65, Section 4, as amended) is amended to read:

13 "40-1-15. CERTIFICATION OF MARRIAGE--RECORDING AND
 14 INDEXING.--

15 A. It is the duty of all persons solemnizing the
 16 contract of marriage in this state to certify the marriage to
 17 the county clerk within ninety days from the date of the
 18 marriage ceremony. Upon ensuring the information on the
 19 certificate is complete and legible, the county clerk shall
 20 immediately upon receipt of the certificate cause it to be
 21 properly recorded and indexed in a permanent record as a part
 22 of the county records in a physical or electronic book kept for
 23 that purpose.

24 B. The county clerk:

25 (1) may issue a certificate of correction or

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1 correct or reissue an application for a marriage license, a
2 marriage license or a certificate of marriage as a result of a
3 typographical or data entry error by the office of the county
4 clerk [~~The county clerk~~]; and

5 (2) shall issue a certificate of correction or
6 correct or reissue an application for a marriage license, a
7 marriage license or a certificate of marriage to correct an
8 error on the document upon order of the district court."

9 SECTION 12. Section 40-1-17 NMSA 1978 (being Laws 1905,
10 Chapter 65, Section 7, as amended) is amended to read:

11 "40-1-17. UNIFORM [~~USE FORM~~] SYSTEM OF RECORDS.--

12 A. To ensure a uniform system of records of all
13 marriages contracted and the better preservation of the records
14 for future reference, the form of application, license and
15 certificate shall be [~~substantially as provided in Section~~
16 ~~40-1-18 NMSA 1978, each blank to be~~] numbered consecutively
17 [~~corresponding with the page number of the record book in the~~
18 ~~clerk's office; provided that the medical evaluation language~~
19 ~~shall not be printed on the application until such time as the~~
20 ~~secretary of health deems such evaluation necessary through the~~
21 ~~issuance of rules~~].

22 B. The county clerk shall also record in the same
23 uniform system of records all other forms recorded, filed or
24 appended pursuant to Chapter 40, Article 1 NMSA 1978. The
25 uniform system of records shall be segregated from other

1 records recorded or filed in the county clerk's office.

2 C. As used on the forms, a person who possesses
 3 more than one title authorizing the person to solemnize the
 4 civil contract of marriage shall select a single title to use
 5 on a marriage certificate. Titles of persons solemnizing the
 6 civil contract of marriage by ceremony are:

7 (1) civil officer, including the use of:

8 (a) a specified elected office the
 9 person holds;

10 (b) attorney and counselor to the court;

11 (c) notarial officer or notary public,
 12 but not "notario publico"; or

13 (d) a title used by a civil officer of
 14 an Indian nation, tribe or pueblo;

15 (2) judicial officer, including the use of the
 16 justice's or judge's specific title and court;

17 (3) military officer, including the use of the
 18 military officer's branch and rank;

19 (4) registered marriage officer;

20 (5) religious officer, including the use of:

21 (a) the officer's religious society; and
 22 (b) the title of the officer or the
 23 officer's ordination within a religious society; or

24 (6) retired officer, including the use of:

25 (a) "retired elected officer", which may

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1 substitute the title of the office to which a person was
2 elected following the word "retired";

3 (b) "retired judicial officer", which
4 may substitute the title of the judicial office that the person
5 held following the word "retired"; or

6 (c) "retired military officer", which
7 may substitute the branch and rank that the person held
8 following the word "retired"."

9 SECTION 13. Section 40-1-18 NMSA 1978 (being Laws 1961,
10 Chapter 99, Section 1) is amended to read:

11 "40-1-18. FORM OF APPLICATION, LICENSE AND CERTIFICATE.--

12 "APPLICATION FOR MARRIAGE LICENSE

13 No. _____

STATEMENTS

14 RECEIVED AND FILED

15 IN COUNTY CLERK'S OFFICE

16 at _____ o'clock _____ m.

17 _____ [19] 20_____

18 [~~DATE OF PREMARITAL PHYSICAL EXAMINATION~~

19 Bride _____

20 Groom _____

21 COUNTY CLERK _____ COUNTY

22 By _____ Deputy]

23 To the County Clerk: We the undersigned hereby make
24 application to be united in marriage and certify under penalty
25 of perjury that we are not related within the degree prohibited

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1 by the laws of this state; that neither is bound by marriage to
2 another; that there exists no legal impediment to this
3 marriage; and that the information contained herein is correct.

4	<u>Applicant</u>	<u>Applicant</u>
5	Date of Birth	Date of Birth
6	_____	_____
7	Place of Birth	Place of Birth
8	_____	_____
9	Present Address _____	Present Address _____
10	_____	_____

11	Signature	Signature
12	Subscribed and sworn to before me this _____ day	
13	of _____ A.D. [19] 20_____.	

14 (seal)

15 _____ By _____ Deputy

16 Signature County Clerk

17 ~~[CONSENT OF PARENT OR GUARDIAN (where either party~~
18 ~~is under age)~~

19 I, the parent (guardian) of _____,
20 hereby consent to the granting of a license to marry, waiving
21 the question of minority.

22 _____
23 ~~Signature Parent (Guardian)~~

24 I, the parent (guardian) of _____,
25 hereby consent to the granting of a license to marry, waiving

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1 ~~the question of minority.~~

2 _____

3 ~~Signature Parent (Guardian)]~~

4 MARRIAGE LICENSE

5 State of New Mexico,)

6 County of _____) ss.

7 To any Person Authorized by Law to Perform the Marriage
8 Ceremony:

9 Greeting:

10 You are hereby authorized to join in marriage _____

11 [~~of _____~~] and _____

12 [~~of _____~~] and of this license you will

13 make due return to my office within [~~the time prescribed by~~

14 ~~law~~] ninety days of the ceremony conducted within the state of

15 New Mexico.

16 Witness my hand and the seal [~~of said court~~] at

17 _____ this _____ day of

18 _____, [19] 20_____.

19 _____
20 County Clerk

21 Recorded _____, [19] 20_____, at

22 _____ m.

23 In marriage record book no. _____ page _____

24 _____
25 County Clerk

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MARRIAGE CERTIFICATE

State of New Mexico,)

County of _____) ss.

I hereby certify that on the _____ day of _____, A.D., [~~19~~] 20_____, at _____ in said county and state, I, the undersigned, a _____, did [~~join in the Holy Bonds of Matrimony~~] solemnize the civil contract of marriage in accordance with the laws of the state of New Mexico and the authorization of the foregoing license _____ of _____ and _____ [~~of _____~~].

Witness my hand [~~and seal~~] on the day and year last above written.

(Name of person solemnizing marriage)

(~~Official~~) Title of person solemnizing marriage)

WITNESSES (to be filled out when marriage is entered into by ceremony):

Signed _____

Signed _____

APPLICANTS:

Signed _____ [~~Groom.~~]

Signed _____ [~~Bride.~~]

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1 Recorded this _____ day of _____,
2 A.D., [~~19~~] 20_____, at _____ m.

3 Marriage Record [~~Book~~] No. _____ [~~Page No.~~
4 _____]
5 _____

6 County Clerk."."

7 SECTION 14. A new Section 40-1-18.1 NMSA 1978 is enacted
8 to read:

9 "40-1-18.1. [NEW MATERIAL] DECLARATION BY DEPLOYED OR
10 ACTIVATED MEMBER OF THE ARMED FORCES.--

11 "Declaration by a deployed or activated member of the armed
12 forces of intent to solemnize the civil contract of marriage
13 (Print Clearly or Type)

14 Let it be Known to All:

15 I attest under penalty of perjury that:

16 1) My name is: _____,
17 and my date of birth is: _____.

18 2) I am a member of the armed forces deployed or
19 activated to a duty assignment or station outside the state of
20 New Mexico as shown on the attached order.

21 3) I desire to marry: _____,
22 whose date of birth is: _____.

23 4) I am at least eighteen (18) years of age, not related
24 within the prohibited degrees to the person I desire to marry,
25 and not currently married to another person.

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1 SOLEMNIZE MARRIAGES.--

2 "Authorization to Solemnize Marriages by Registered
3 Marriage Officer

4 (Print Clearly or Type)

5 State of New Mexico,

6 ss.

7 County of _____.

8 Let it be Known to All:

9 I attest under penalty of perjury that:

10 1) My name is: _____, and my
11 date of birth is: _____.

12 2) I desire to be a Registered Marriage Officer to
13 solemnize the civil contract of marriage in New Mexico.

14 3) This means I will be authorized to perform marriage
15 ceremonies pursuant to the laws of New Mexico, specifically,
16 Chapter 40, Article 1 NMSA 1978.

17 4) I am at least eighteen (18) years of age.

18 5) I understand that this attestation to become a
19 Registered Marriage Officer is valid for me to be authorized to
20 perform marriage ceremonies and to solemnize the civil contract
21 of marriage for the next two years on licenses issued by the
22 county clerk of the county in which this form is recorded.

23 _____

24 (Signed)

25 Signed (or attested to) before me on _____ by _____.

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1 Date Name of individual

2 _____

3 Signature of notarial officer

4 Stamp

5 _____

6 Title of officer

7 Recorded this _____ day of _____, 20 ____, at ____ M.

8 Marriage Record No. ____.

9 _____

10 County Clerk."."

11 SECTION 16. Section 40-1-19 NMSA 1978 (being Laws 1905,
12 Chapter 65, Section 9, as amended) is amended to read:

13 "40-1-19. OFFENSES--PENALTIES.--

14 A. For failure to perform the county clerk's
15 responsibilities and duties pursuant to Chapter 40, Article 1
16 NMSA 1978, a county clerk is responsible on the county clerk's
17 official bond for damages suffered by the injured party.

18 B. A person who performs the marriage ceremony or
19 certifies a marriage to the county clerk, who neglects or fails
20 to comply with the provisions of Chapter 40, Article 1 NMSA
21 1978 and any person who willfully violates the law by deceiving
22 or attempting to deceive or mislead any officer or person in
23 order to obtain a marriage license or to be married contrary to
24 law is upon conviction guilty of a misdemeanor for each
25 ceremony conducted or for each marriage certified to the county

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1 clerk and shall be sentenced pursuant to the provisions of
2 Section 31-19-1 NMSA 1978.

3 C. The criminal penalty provided for in this
4 section is not exclusive of other charges or penalties that may
5 be applicable."

6 SECTION 17. Section 40-2-1 NMSA 1978 (being Laws 1907,
7 Chapter 37, Section 1, as amended) is amended to read:

8 "40-2-1. MUTUAL OBLIGATION OF MARRIED PERSONS.--[Section
9 ~~1. Husband and wife~~] The parties to a marriage contract toward
10 each other obligations of mutual respect, fidelity and
11 support."

12 SECTION 18. Section 40-2-2 NMSA 1978 (being Laws 1907,
13 Chapter 37, Section 4, as amended) is amended to read:

14 "40-2-2. CONTRACT RIGHTS OF MARRIED PERSONS.--[Sec. 7.]
15 Either [~~husband or wife~~] spouse may enter into any engagement
16 or transaction with the other or with any other person
17 [~~respecting~~] with respect to property [~~which~~] that either might
18 enter into if unmarried; subject, in transactions between
19 themselves, to the general rules of common law [~~which~~] that
20 control the actions of persons occupying confidential relations
21 with each other."

22 SECTION 19. Section 40-2-3 NMSA 1978 (being Laws 1901,
23 Chapter 62, Section 20, as amended) is amended to read:

24 "40-2-3. POWER OF ATTORNEY--JOINDER OF SPOUSE
25 UNNECESSARY.--[Sec. 8.] It shall not be necessary in any case

1 for ~~[the husband]~~ a spouse to join with ~~[the wife]~~ a signing
 2 spouse when ~~[she executes]~~ executing a power of attorney for
 3 ~~[herself; nor shall it be necessary for the wife to join with~~
 4 ~~the husband when he executes a power of attorney for himself]~~
 5 the signing spouse."

6 SECTION 20. Section 40-2-8 NMSA 1978 (being Laws 1907,
 7 Chapter 37, Section 5, as amended) is amended to read:

8 "40-2-8. EXTENT OF MUTUAL ALTERATION OF LEGAL
 9 RELATIONS.--~~[Sec. 39. A husband and wife]~~ The parties to a
 10 marriage cannot by any contract with each other alter their
 11 legal relations, except ~~[of]~~ with respect to their property and
 12 except that they may agree in writing to an immediate
 13 separation and may make provisions for the support of either of
 14 them and of their children during their separation."

15 SECTION 21. Section 40-3-1 NMSA 1978 (being Laws 1907,
 16 Chapter 37, Section 21, as amended) is amended to read:

17 "40-3-1. PROPERTY RIGHTS.--~~[Sec. 29.]~~ The property rights
 18 of ~~[husband and wife]~~ a married couple are governed by ~~[this]~~
 19 Chapter 40 NMSA 1978 unless there is a marriage settlement
 20 containing stipulations contrary thereto."

21 SECTION 22. Section 40-3-2 NMSA 1978 (being Laws 1907,
 22 Chapter 37, Section 7, as amended) is amended to read:

23 "40-3-2. METHODS FOR HOLDING PROPERTY.--~~[Sec. 13. Husband~~
 24 ~~and wife]~~ The parties to a marriage may hold property as joint
 25 tenants or tenants in common or may hold property as community

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1 property."

2 SECTION 23. Section 40-3-3 NMSA 1978 (being Laws 1907,
3 Chapter 37, Section 3, as amended) is amended to read:

4 "40-3-3. SEPARATION OF PROPERTY--ADMISSION TO DWELLING OF
5 SPOUSE.--[~~Sec. 6.~~] Neither [~~husband nor wife~~] spouse has any
6 interest in the property of the other, but neither can be
7 excluded from the other's dwelling."

8 SECTION 24. Section 40-3-4 NMSA 1978 (being Laws 1965,
9 Chapter 74, Section 1) is amended to read:

10 "40-3-4. CONTRACTS OF INDEMNITY--NO OBLIGATION OF
11 COMMUNITY PROPERTY UNLESS SIGNED BY BOTH [HUSBAND AND WIFE]
12 SPOUSES.--It is against the public policy of this state to
13 allow one spouse to obligate community property by entering
14 into a contract of indemnity whereby [~~he will indemnify~~] the
15 spouse indemnifies a surety company in case of default of the
16 principal upon a bond or undertaking issued in consideration of
17 the contract of indemnity. No community property shall be
18 liable for any indebtedness incurred as a result of any
19 contract of indemnity made after the effective date of this
20 section unless both [~~husband and wife~~] spouses sign the
21 contract of indemnity."

22 SECTION 25. Section 40-3-8 NMSA 1978 (being Laws 1973,
23 Chapter 320, Section 3, as amended) is amended to read:

24 "40-3-8. CLASSES OF PROPERTY.--

25 A. "Separate property" means:

1 (1) property acquired by either spouse before
 2 marriage or after entry of a decree of dissolution of marriage;

3 (2) property acquired after entry of a decree
 4 entered pursuant to Section 40-4-3 NMSA 1978, unless the decree
 5 provides otherwise;

6 (3) property designated as separate property
 7 by a judgment or decree of any court having jurisdiction;

8 (4) property acquired by either spouse by
 9 gift, bequest, devise or descent; and

10 (5) property designated as separate property
 11 by a written agreement between the spouses, including a deed or
 12 other written agreement concerning property held by the spouses
 13 as joint tenants or tenants in common in which the property is
 14 designated as separate property.

15 B. Except as provided in Subsection C of this
 16 section, "community property" means property acquired by either
 17 or both spouses during marriage [~~which~~] that is not separate
 18 property. Property acquired [~~by a husband and wife~~] during a
 19 marriage by an instrument in writing whether as tenants in
 20 common or as joint tenants or otherwise shall be presumed to be
 21 held as community property unless such property is separate
 22 property within the meaning of Subsection A of this section.

23 C. "Quasi-community property" means all real or
 24 personal property, except separate property as defined in
 25 Subsection A of this section, wherever situated, heretofore or

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1 hereafter acquired in any of the following ways:

2 (1) by either spouse while domiciled elsewhere
3 ~~[which]~~ that would have been community property if the spouse
4 who acquired the property had been domiciled in this state at
5 the time of its acquisition; or

6 (2) in exchange for real or personal property,
7 wherever situated, ~~[which]~~ that would have been community
8 property if the spouse who acquired the property so exchanged
9 had been domiciled in this state at the time of its
10 acquisition.

11 D. For purposes of division of property incident to
12 a dissolution of marriage or a legal separation under Section
13 40-4-3 NMSA 1978, quasi-community property shall be treated as
14 community property if both parties are domiciliaries of New
15 Mexico at the time of the dissolution or legal separation
16 proceeding.

17 E. "Property" includes the rents, issues and
18 profits thereof.

19 F. The right to hold property as joint tenants or
20 as tenants in common and the legal incidents of so holding,
21 including but not limited to the incident of the right of
22 survivorship of joint tenancy, are not altered by the Community
23 Property Act of 1973, except as provided in Sections 40-3-10,
24 40-3-11 and 40-3-13 NMSA 1978.

25 ~~[G. The provisions of the 1984 amendments to this~~

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1 ~~section shall not affect the right of any creditor, which right~~
 2 ~~accrued prior to the effective date of those amendments.]"~~

3 SECTION 26. Section 40-3-12 NMSA 1978 (being Laws 1973,
 4 Chapter 320, Section 7) is amended to read:

5 "40-3-12. PRESUMPTION OF COMMUNITY PROPERTY [~~PRESUMPTION~~
 6 ~~OF SEPARATE PROPERTY WHERE PROPERTY ACQUIRED BY MARRIED WOMAN~~
 7 ~~PRIOR TO JULY 1, 1973].--[A.] Property acquired during marriage~~
 8 ~~by either [husband or wife] spouse, or both, is presumed to be~~
 9 ~~community property.~~

10 [~~B. Property or any interest therein acquired~~
 11 ~~during marriage by a woman by an instrument in writing, in her~~
 12 ~~name alone or in her name and the name of another person not~~
 13 ~~her husband, is presumed to be the separate property of the~~
 14 ~~married woman if the instrument in writing was delivered and~~
 15 ~~accepted prior to July 1, 1973. The date of execution or, in~~
 16 ~~the absence of a date of execution, the date of acknowledgment~~
 17 ~~is presumed to be the date upon which delivery and acceptance~~
 18 ~~occurred.~~

19 C. ~~The presumptions contained in Subsection B of~~
 20 ~~this section are conclusive in favor of any person dealing in~~
 21 ~~good faith and for valuable consideration with a married woman~~
 22 ~~or her legal representative or successor in interest.]"~~

23 SECTION 27. A new Section 40-3-12.1 NMSA 1978 is enacted
 24 to read:

25 "40-3-12.1. [NEW MATERIAL] SAVING CLAUSE--PRESUMPTION OF
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1 SEPARATE PROPERTY WHERE PROPERTY IS ACQUIRED BY A MARRIED WOMAN
2 PRIOR TO JULY 1, 1973.--

3 A. Property or any interest therein acquired during
4 marriage by a woman by an instrument in writing, in her name
5 alone, or in her name and the name of another person not her
6 husband, is presumed to be the separate property of the married
7 woman if the instrument in writing was delivered and accepted
8 prior to July 1, 1973. The date of execution or, in the
9 absence of a date of execution, the date of acknowledgment, is
10 presumed to be the date upon which delivery and acceptance
11 occurred.

12 B. The presumptions contained in Subsection A of
13 this section are conclusive in favor of any person dealing in
14 good faith and for valuable consideration with a married woman
15 or her legal representative or successor in interest."

16 SECTION 28. Section 40-4-3 NMSA 1978 (being Laws 1901,
17 Chapter 62, Section 23, as amended) is amended to read:

18 "40-4-3. PROCEEDING FOR DIVISION OF PROPERTY, DISPOSITION
19 OF CHILDREN OR ALIMONY WITHOUT THE DISSOLUTION OF MARRIAGE.--
20 Whenever the [~~husband and wife~~] parties to a marriage have
21 permanently separated and no longer live or cohabit together as
22 [~~husband and wife~~] a married couple, either may institute
23 proceedings in the district court for a division of property,
24 disposition of children or alimony without asking for or
25 obtaining in the proceedings a dissolution of marriage."

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1 **SECTION 29.** Section 40-4-12 NMSA 1978 (being Laws 1947,
2 Chapter 16, Section 1, as amended) is amended to read:

3 "40-4-12. ALLOWANCE FROM SPOUSE'S SEPARATE PROPERTY AS
4 ALIMONY.--In proceedings for the dissolution of marriage,
5 separation or support between [~~husband and wife~~] married
6 persons, the court may make an allowance to either spouse of
7 the other spouse's separate property as alimony, and the decree
8 making the allowance shall have the [~~force and~~] effect of
9 vesting the title of the property so allowed in the recipient."

10 **SECTION 30.** Section 40-4-14 NMSA 1978 (being Laws 1947,
11 Chapter 16, Section 3, as amended) is amended to read:

12 "40-4-14. ALLOWANCE IN PROPERTY--APPOINTMENT AND REMOVAL
13 OF GUARDIAN.--In proceedings for the dissolution of marriage,
14 separation or support between [~~husband and wife~~] spouses, the
15 court may make an allowance of certain property [~~or properties~~]
16 of either party or of both parties for the maintenance,
17 education and support of the minor children of the parties and
18 may vest title to the part of the property so allowed in a
19 conservator appointed by the court. The conservator must
20 qualify and serve in such capacity as provided in Sections
21 [~~5-101 through 5-502 of the Probate Code~~] 45-5-101 through
22 45-5-502 NMSA 1978."

23 **SECTION 31.** Section 40-4-20 NMSA 1978 (being Laws 1901,
24 Chapter 62, Section 31, as amended) is amended to read:

25 "40-4-20. FAILURE TO DIVIDE OR DISTRIBUTE PROPERTY ON THE

1 ENTRY OF A DECREE OF DISSOLUTION OF MARRIAGE OR SEPARATION--
2 DISTRIBUTION OF SPOUSAL OR CHILD SUPPORT AND DETERMINATION OF
3 PATERNITY WHEN DEATH OCCURS DURING PROCEEDINGS FOR DISSOLUTION
4 OF MARRIAGE, SEPARATION, ANNULMENT OF MARRIAGE OR PATERNITY.--

5 A. The failure to divide or distribute property on
6 the entry of a decree of dissolution of marriage or of
7 separation shall not affect the property rights of either [~~the~~
8 ~~husband or wife~~] party to a marriage, and either may
9 subsequently institute and prosecute a suit for division and
10 distribution or with reference to any other matter pertaining
11 thereto that could have been litigated in the original
12 proceeding for dissolution of marriage or separation.

13 B. Upon the filing and service of a petition for
14 dissolution of marriage, separation, annulment, division of
15 property or debts, spousal support, child support or
16 determination of paternity pursuant to the provisions of
17 Chapter 40, Article 4 or [~~++~~] 11A NMSA 1978, if a party to the
18 action dies during the pendency of the action, but prior to the
19 entry of a decree granting dissolution of marriage, separation,
20 annulment or determination of paternity, the proceedings for
21 the determination, division and distribution of marital
22 property rights and debts, distribution of spousal or child
23 support or determination of paternity shall not abate. The
24 court shall conclude the proceedings as if both parties had
25 survived. The court may allow the spouse or any children of

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1 the marriage support as if the decedent had survived, pursuant
 2 to the provisions of Chapter 40, Article 4 or ~~[++]~~ 11A NMSA
 3 1978. In determining the support, the court shall, in addition
 4 to the factors listed in Chapter 40, Article 4 NMSA 1978,
 5 consider the amount and nature of the property passing from the
 6 ~~[decedent]~~ decedent to the person for whom the support would
 7 be paid, whether by will or otherwise."

8 SECTION 32. Section 40-10A-310 NMSA 1978 (being Laws
 9 2001, Chapter 114, Section 310) is amended to read:

10 "40-10A-310. HEARING AND ORDER.--

11 ~~[(a)]~~ A. Unless the court issues a temporary
 12 emergency order pursuant to Section ~~[204]~~ 40-10A-204 NMSA 1978,
 13 upon a finding that a petitioner is entitled to immediate
 14 physical custody of the child, the court shall order that the
 15 petitioner may take immediate physical custody of the child
 16 unless the respondent establishes that:

17 (1) the child-custody determination has not
 18 been registered and confirmed under Section ~~[305]~~ 40-10A-305
 19 NMSA 1978 and that:

20 ~~[(A)]~~ (a) the issuing court did not have
 21 jurisdiction under ~~[Article 2 of the Uniform Child-Custody~~
 22 ~~Jurisdiction and Enforcement Act]~~ Sections 40-10A-201 through
 23 40-10A-210 NMSA 1978;

24 ~~[(B)]~~ (b) the child-custody
 25 determination for which enforcement is sought has been vacated,

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1 stayed or modified by a court of a state having jurisdiction to
2 do so under [~~Article 2 of the Uniform Child-Custody~~
3 ~~Jurisdiction and Enforcement Act~~] Sections 40-10A-201 through
4 40-10A-210 NMSA 1978; or

5 [~~(c)~~] (c) the respondent was entitled to
6 notice, but notice was not given in accordance with the
7 standards of Section [~~108~~] 40-10A-108 NMSA 1978 in the
8 proceedings before the court that issued the order for which
9 enforcement is sought; or

10 (2) the child-custody determination for which
11 enforcement is sought was registered and confirmed under
12 Section [~~305~~] 40-10A-305 NMSA 1978 but has been vacated, stayed
13 or modified by a court of a state having jurisdiction to do so
14 under [~~Article 2 of the Uniform Child-Custody Jurisdiction and~~
15 ~~Enforcement Act~~] Sections 40-10A-201 through 40-10A-210 NMSA
16 1978.

17 [~~(b)~~] B. The court shall award the fees, costs and
18 expenses authorized under Section [~~312~~] 40-10A-312 NMSA 1978
19 and may grant additional relief, including a request for the
20 assistance of law enforcement officials, and set a further
21 hearing to determine whether additional relief is appropriate.

22 [~~(e)~~] C. If a party called to testify refuses to
23 answer on the ground that the testimony may be self-
24 incriminating, the court may draw an adverse inference from the
25 refusal.

1 [~~(d)~~] D. A privilege against disclosure of
 2 communications between spouses and a defense of immunity based
 3 on the spousal relationship [~~of husband and wife~~] or that of
 4 parent and child may not be invoked in a proceeding under
 5 [~~Article 3 of the Uniform Child-Custody Jurisdiction and~~
 6 ~~Enforcement Act]~~ Sections 40-10A-301 through 40-10A-317 NMSA
 7 1978."

8 **SECTION 33. REPEAL.**--Sections 40-1-16 and 40-1-20 NMSA
 9 1978 (being Laws 1905, Chapter 65, Section 5 and Laws 1909,
 10 Chapter 91, Section 1, as amended) are repealed.

11 **SECTION 34. DELAYED REPEAL.**--Section 27 of this act is
 12 repealed effective June 30, 2033.

13 **SECTION 35. EFFECTIVE DATE.**--The effective date of the
 14 provisions of this act is July 1, 2023.

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