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HOUSE BILL 350

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

INTRODUCED BY

Rick Little

AN ACT

RELATING TO ELECTED OFFICIALS; PROVIDING FOR REMOVAL FROM
OFFICE UPON CONVICTION FOR CERTAIN CRIMES.

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

SECTION 1. [NEW MATERIAL] ELECTED OFFICIALS--REMOVAL FROM
OFFICE.--

A. An elected official who is convicted in a state
or federal court of law of a felonious or infamous crime shall
be deemed to have resigned from that elected official's
elective office, and that elected office shall be deemed
vacant.

B. The attorney general is authorized to initiate
an appropriate judicial proceeding requesting a determination
that the elected office of an elected official convicted in a
state or federal court of law of a felonious or infamous crime

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 is deemed vacant.

2 C. As used in this section, "elected official"
3 means a person elected to a public office in this state.

4 SECTION 2. A new section of Chapter 31 NMSA 1978 is
5 enacted to read:

6 "[NEW MATERIAL] ELECTED OFFICIALS--REMOVAL FROM OFFICE.--"

7 A. Upon the conviction of an elected official who
8 is convicted of a felonious or infamous crime, the presiding
9 judge shall declare that the elected official is no longer
10 eligible to hold public office, that the elected official is
11 deemed to have been removed and that the elective office is
12 deemed vacant.

13 B. As used in this section, "elected official"
14 means a person elected to a public office in this state."