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HOUSE BILL 528

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Anna Marie Crook

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 41-2-3 NMSA 1978  
(BEING LAWS 1882, CHAPTER 61, SECTION 3, AS AMENDED) TO CHANGE  
THE DISTRIBUTION OF PROCEEDS FROM WRONGFUL DEATH JUDGMENTS.

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

Section 1. Section 41-2-3 NMSA 1978 (being Laws 1882,  
Chapter 61, Section 3, as amended) is amended to read:

"41-2-3. PERSONAL REPRESENTATIVE TO BRING ACTION--  
DAMAGES--DISTRIBUTION OF PROCEEDS.--Every [~~such~~] action [~~as~~]  
mentioned in Section [~~1821-(36-102)-~~] 41-2-1 NMSA 1978 shall be  
brought by and in the name [~~or names~~] of the personal  
representative [~~or representatives~~] of [~~such~~] the deceased  
person, and the jury in every such action may give such  
damages, compensatory and exemplary, as they [~~shall~~] deem fair  
and just, taking into consideration the pecuniary injury [~~or~~

underscored material = new  
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1 ~~injuries~~] resulting from [~~such~~] the death to the surviving  
2 party [~~or parties~~] entitled to the judgment, or any interest  
3 [~~therein~~] in the judgment, recovered in such action and also  
4 having regard to the mitigating or aggravating circumstances  
5 attending [~~such~~] the wrongful act, neglect or default. The  
6 proceeds of any judgment obtained in any such action shall not  
7 be liable for any debt of the deceased; provided [~~he or she~~  
8 ~~shall have~~] the deceased has left a husband, wife, child,  
9 father, mother, brother, sister, or child or children of the  
10 deceased child, but shall be distributed as follows:

11 [~~First.~~] A. if there [~~be~~] is a surviving husband  
12 or wife and no child, then to [~~such~~] the husband or wife;

13 B. if there [~~be~~] is a surviving husband or wife  
14 and a child or children or grandchildren, then one-half to the  
15 surviving spouse and the remaining one-half equally to each,  
16 the grandchild or grandchildren taking by right of  
17 representation;

18 C. if there [~~be~~] is no husband or wife, but a  
19 child or children or grandchild or grandchildren, then to such  
20 child or children and grandchild or grandchildren by right of  
21 representation;

22 D. if [~~such~~] the deceased [~~be~~] is a minor,  
23 childless and unmarried, then to the father and mother who  
24 shall have an equal interest in the judgment, or if either of  
25 them [~~be~~] is dead, then to the survivor;

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E. if there [~~be~~] is no father, mother, husband, wife, child or grandchild, then to a surviving brother or sister [~~or brothers or sisters~~] if there [~~be~~] are any; and

F. if there [~~be none of the~~] is no kindred [~~hereinbefore~~] as named in Subsections A through E of this section, then the proceeds of [~~such~~] the judgment shall be disposed of in the manner authorized by law for the disposition of the personal property of deceased persons. "

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 1, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 528  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
16

17 Respectfully submitted,  
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20 \_\_\_\_\_  
21 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 528

Page 5

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Luna, Mallory, Sanchez, Pederson

Absent: None

J: \99BillsWP\H0528

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HJC/HB 528

Page 8

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 15, 1999

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 528

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HJC/HB 528

Page 9

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: None

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Excused: Aragon, Davis

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Absent: None

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