

1 SENATE BILL 238

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Mark Moores

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10 AN ACT

11 RELATING TO PUBLIC OFFICIALS; PROVIDING FOR REMOVAL FROM PUBLIC
12 OFFICE IMMEDIATELY UPON CONVICTION OF A FELONY; PROVIDING FOR
13 FORFEITURE OF CAMPAIGN FUNDS.

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

16 SECTION 1. Section 10-1-2 NMSA 1978 (being Laws 1912,
17 Chapter 44, Section 1, as amended) is amended to read:

18 "10-1-2. PUBLIC OFFICE--CONVICTION OF CRIME--
19 DISQUALIFICATION--REMOVAL--FORFEITURE.-- [~~Sec. 2. That no~~]

20 A. A person convicted of a [~~felonious or infamous~~
21 ~~crime~~] felony, unless such person has been pardoned or restored
22 to political rights, shall not be qualified to be elected or
23 appointed to any public office in this state.

24 B. If a person who holds a public office in this
25 state is convicted of a felony, the person shall be deemed to

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underscoring material = new
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1 have resigned from the public office immediately upon
2 conviction, and the office shall be deemed vacant. All funds
3 belonging to the person's campaign committee or committees
4 shall be subject to forfeiture pursuant to the provisions of
5 the Forfeiture Act; provided that upon forfeiture, any funds
6 shall be deposited into the general fund.

7 C. As used in this section, "public office" means:

- 8 (1) any state elective office;
- 9 (2) the office of a cabinet secretary; or
- 10 (3) an appointed position on a public board or
11 commission."