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SENATE JOINT RESOLUTION 9

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

L. SKIP VERNON

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 10 OF THE  
CONSTITUTION OF NEW MEXICO TO REQUIRE THAT THE COURTS OF NEW  
MEXICO INTERPRET ITS PROVISIONS IN A MANNER CONSISTENT WITH THE  
PROVISIONS OF THE FOURTH AMENDMENT TO THE CONSTITUTION OF THE  
UNITED STATES.

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

Section 1. It is proposed to amend Article 2, Section 10  
of the constitution of New Mexico to read:

"The people shall be secure in their persons, papers, homes  
and effects, from unreasonable searches and seizures, and no  
warrant to search any place, or seize any person or thing, shall  
issue without describing the place to be searched, or the  
persons or things to be seized, nor without a written showing of  
probable cause, supported by oath or affirmation. In criminal

Underscored material = new  
[bracketed material] = delete

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1 cases, the rights of defendants to be free from unreasonable  
2 searches and seizures pursuant to the provisions of this section  
3 shall be construed by the courts of New Mexico in a manner  
4 consistent with the provisions of the fourth amendment to the  
5 constitution of the United States. The provisions of this  
6 section shall not be construed by the courts of New Mexico to  
7 afford greater rights to criminal defendants to be free from  
8 unreasonable searches and seizures than the rights afforded to  
9 criminal defendants pursuant to the provisions of the fourth  
10 amendment to the constitution of the United States. The  
11 provisions of this section shall not be construed by the courts  
12 of New Mexico to afford greater rights to criminal defendants  
13 who are minors to be free from unreasonable searches and  
14 seizures than the rights afforded to criminal defendants who are  
15 minors pursuant to the provisions of the fourth amendment to the  
16 constitution of the United States."

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

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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
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5 March 4, 1997  
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7 Mr. President:  
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9 Your RULES COMMITTEE, to whom has been referred  
10

11 SENATE JOINT RESOLUTION 9  
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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, and thence referred to the  
15 JUDICIARY COMMITTEE.  
16

17 Respectfully submitted,  
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22 Gloria Howes, Chairman  
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25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Gorham

Absent: None

**SJR09RU1**

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[bracketed material] = delete~~