

1 SENATE BILL 318

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Jacob R. Candelaria

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9  
10 AN ACT

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

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

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

17 "10-1-2. PUBLIC OFFICE--CONVICTION OF CRIME--  
18 DISQUALIFICATION--REMOVAL--FORFEITURE.---[~~Sec. 2. That no~~]

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

23 B. If a person who holds a public office in this  
24 state is convicted of a felony, the person shall be deemed to  
25 have resigned from the public office immediately upon entry of

.195608.1

underscored material = new  
[bracketed material] = delete

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

1 the judgment of conviction, and the office shall be deemed  
2 vacant.

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

4 (1) any elective office in the state;

5 (2) the head of a cabinet-level department or  
6 agency whose appointment is subject to confirmation by the  
7 senate; or

8 (3) an appointed position on a public board or  
9 commission."