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SENATE JOINT RESOLUTION 14

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Rod Adair

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF NEW MEXICO TO REQUIRE NEW MEXICO COURTS TO UPHOLD AND ADHERE TO THE UNITED STATES AND NEW MEXICO CONSTITUTIONS, STATUTES, RULES AND COMMON LAW AND, IF NECESSARY, THE LAWS OF OTHER STATES; TO PROHIBIT NEW MEXICO COURTS FROM CONSIDERING LEGAL PRECEPTS OF OTHER NATIONS OR CULTURES, INTERNATIONAL LAW, LAWS PROMULGATED BY FOREIGN GOVERNMENTS OR NATIONAL LAWS OF FOREIGN COUNTRIES IF THE LEGAL PRECEPTS OR LAWS WOULD VIOLATE NEW MEXICO PUBLIC POLICY OR THE RIGHTS OF NEW MEXICO RESIDENTS; AND TO PROHIBIT NEW MEXICO COURTS FROM CONSIDERING OR APPLYING SHARIA LAW.

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

SECTION 1. It is proposed to amend Article 6 of the constitution of New Mexico by adding a new section to read:

"A. The courts provided for in this article, when

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

1 exercising their judicial authority, shall uphold and adhere to
2 the law as provided in the United States constitution, the
3 constitution of New Mexico, statutes of the United States and
4 federal regulations adopted pursuant thereto, established
5 common law, New Mexico statutes and state regulations adopted
6 pursuant thereto and, if necessary, the law of another state of
7 the United States, provided that the law of the other state
8 does not include Sharia law.

9 B. The courts shall not consider or apply a rule of
10 comity to the legal precepts of other nations or cultures,
11 international law, laws promulgated by foreign governments or
12 national laws of foreign countries if the consideration or
13 application of the foreign precepts or laws would violate the
14 public policy of the state of New Mexico or reduce or impair
15 the rights of any resident of the state of New Mexico existing
16 under New Mexico statutes or common law governing child
17 custody, rights of married persons, property rights, protection
18 from domestic violence or any criminal law.

19 C. The courts shall not consider or apply Sharia
20 law.

21 D. The provisions of this section shall apply to
22 all cases before the respective courts, including, but not
23 limited to, cases of first impression."

24 SECTION 2. The amendment proposed by this resolution
25 shall be submitted to the people for their approval or

.188829.1

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

1 rejection at the next general election or at any special
2 election prior to that date that may be called for that
3 purpose.

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