

1 SENATE BILL 147

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Mimi Stewart

5  
6  
7  
8 FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

9  
10 AN ACT

11 RELATING TO LAW ENFORCEMENT; REQUIRING INVESTIGATION OR  
12 PROSECUTION BY THE ATTORNEY GENERAL OF ANY ACTION AGAINST A LAW  
13 ENFORCEMENT OFFICER SUSPECTED OF A VIOLENT FELONY, ASSAULT  
14 AGAINST A HOUSEHOLD MEMBER, ABUSE OF A CHILD OR ANY CRIME FOR  
15 WHICH REGISTRATION UNDER THE SEX OFFENDER REGISTRATION AND  
16 NOTIFICATION ACT IS REQUIRED.

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 8-5-2 NMSA 1978 (being Laws 1933,  
20 Chapter 21, Section 2, as amended) is amended to read:

21 "8-5-2. DUTIES OF ATTORNEY GENERAL.--

22 A. Except as otherwise provided by law, the  
23 attorney general shall:

24 [A.] (1) prosecute and defend all causes in  
25 the supreme court and court of appeals in which the state is a

.198130.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 party or interested;

2 [B-] (2) prosecute and defend in any other  
3 court or tribunal all actions and proceedings, civil or  
4 criminal, in which the state may be a party or interested when  
5 in [~~his~~] the attorney general's judgment the interest of the  
6 state requires such action or when requested to do so by the  
7 governor;

8 [G-] (3) prosecute and defend all actions and  
9 proceedings brought by or against any state officer or head of  
10 a state department, board or commission or any employee of the  
11 state in [~~his~~] the officer's, head's or employee's official  
12 capacity;

13 [D-] (4) give [~~his~~] an opinion in writing upon  
14 any question of law submitted to [~~him~~] the attorney general by  
15 the legislature or any branch [~~thereof~~] of the legislature, any  
16 state official, elective or appointive, or any district  
17 attorney on any subject pending before them or under their  
18 control with which they have to deal officially or with  
19 reference to their duty in office;

20 [E-] (5) prepare drafts for contracts, bonds  
21 and other instruments of writing [~~which~~] that may be required  
22 for the use of the state whenever requested to do so by any  
23 state officer;

24 [F-] (6) promptly account to the state  
25 treasurer for all state funds received by [~~him~~] the attorney

.198130.2

underscored material = new  
[bracketed material] = delete

1 general;

2                   [~~G.~~] (7) report to the governor and  
3 legislature the condition of [~~his~~] the attorney general's  
4 office, the text of all opinions rendered and a summary of  
5 business transacted of public interest, which report shall be  
6 submitted each year;

7                   [~~H.~~] (8) keep a register of all opinions  
8 rendered and all actions prosecuted and defended by [~~him~~] the  
9 attorney general and of all proceedings in relation thereto;

10                   [~~I.~~] (9) attend and assist in the trial of any  
11 indictment or information in any county on direction of the  
12 governor;

13                   [~~J.~~] (10) appear before local, state and  
14 federal courts and regulatory officers, agencies and bodies to  
15 represent and to be heard on behalf of the state when in [~~his~~]  
16 the attorney general's judgment the public interest of the  
17 state requires such action or when requested to do so by the  
18 governor; and

19                   [~~K.~~] (11) perform all other duties required by  
20 law.

21                   B. Notwithstanding any other provision of law, the  
22 investigation or prosecution of a law enforcement officer of  
23 the state, or any county, municipality or other political  
24 subdivision of the state, shall be undertaken by the attorney  
25 general when the law enforcement officer is suspected of a

.198130.2

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

1 violent felony as defined in the Criminal Sentencing Act,  
2 assault against a household member, abuse of a child or any  
3 crime for which registration under the Sex Offender  
4 Registration and Notification Act is required."

5 - 4 -  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25