

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 7<sup>th</sup> day of November, 2022, the governing body of the City of Hobbs adopted an ordinance amending Title 5 of the Hobbs Municipal Code requiring abortion providers in Hobbs to comply with Federal law. A summary of the ordinance is contained in its title and is described as follows:

CITY OF HOBBS

ORDINANCE NO. 1147

AN ORDINANCE AMENDING TITLE 5 OF THE HOBBS MUNICIPAL CODE  
REQUIRING ABORTION PROVIDERS IN HOBBS TO COMPLY WITH FEDERAL LAW

WHEREAS, Federal law imposes felony criminal liability on every person who ships or receives abortion pills or abortion-related paraphernalia in interstate or foreign commerce, see 18 U.S.C. §§ 1461–62, and all such acts are predicate offenses under the federal Racketeer Influenced and Corrupt Organizations Act (RICO), see 18 U.S.C. § 1961; and

WHEREAS, the state constitution of New Mexico does not and cannot secure a right, privilege or immunity to act in violation of federal statutes such as 18 U.S.C. §§ 1461–62, or to engage in criminal and racketeering conduct as defined by federal law; and

WHEREAS, the members of the City Commission are bound by oath to support and defend the Constitution of the United States, and the statutory provisions codified at 18 U.S.C. §§ 1461–62 are the “supreme Law of the Land” under Article VI of the Constitution and must be obeyed and respected by every person within the municipal boundaries of Hobbs and by every judge in the State of New Mexico. See U.S. Const. art. VI (“[T]he Laws of the United States . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”); and

WHEREAS, the City of Hobbs City Commission calls upon the United States Attorneys for the District of New Mexico, both present and future, to investigate and prosecute abortion providers and abortion-pill distribution networks under 18 U.S.C. §§ 1461–62 and the Racketeer Influenced and Corrupt Organizations Act (RICO); and

WHEREAS, the City of Hobbs City Commission encourages all victims of abortion providers and abortion-pill distribution networks, including the mothers, fathers, and

surviving relatives of aborted unborn children, to sue these racketeering enterprises under civil RICO; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Title 5 of the Hobbs Municipal Code is hereby amended as more specifically described as follows:

Chapter 5.52 - ABORTION CLINICS

5.52.010 - Purpose.

5.52.020 - Definitions.

5.52.030 - Abortion License—Required.

5.52.040 - Abortion License—Application.

5.52.050 - License—Issuance or Refusal.

5.52.060 - License—Period of validity—Revocation—Appeal.

5.52.070 - Compliance with Federal Abortion Laws Required.

5.52.080 – Severability.

5.52.090 - Effective date.

A full copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at [www.hobbsnm.org](http://www.hobbsnm.org).

*/s/Jan Fletcher*  
Jan Fletcher, City Clerk