

Opinion No. 39-3083

April 1, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Honorable John E. Miles, Governor of New Mexico, Santa Fe, New Mexico.

{*31} In your letter of March 30 you inquire whether or not you have authority to reinstate drivers' licenses which have been revoked by the courts.

By virtue of Section 6, Article V of the Constitution, the Governor has the power to pardon, after conviction, for all offenses against the State except treason and in cases of impeachment.

It is true that our Supreme Court has given a liberal construction to this constitutional grant. Ex parte Magee, 31 N.M. 276; State vs. Magee Publishing Company, 29 N.M. 455. However, I do not believe our courts would go so far as to construe the above mentioned constitutional provision so as to include the right of the Governor to reinstate a driver's license which has been revoked by the courts and I therefore state it as my opinion that you do not have such authority. In such cases your authority would, in my opinion, be limited to pardoning the accused for the conviction for the violation of the state law which was the basis for the revocation of the license by the court.

Trusting the foregoing sufficiently answers your inquiry, I am,

By: FRED J. FEDERICI,

Asst. Atty. Gen.