

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 445

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
James Roger Madalena

AN ACT

RELATING TO DISTRICT ATTORNEYS; AUTHORIZING A DISTRICT
ATTORNEY TO CONTRACT WITH AN INDIAN NATION, TRIBE OR PUEBLO
FOR THE PURPOSE OF SERVING AS A PROSECUTOR IN TRIBAL COURT;
AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 36-1-8 NMSA 1978 (being Laws 1913,
Chapter 54, Section 3, as amended) is amended to read:

"36-1-8. DISTRICT ATTORNEYS--PAYMENTS OF SALARIES AND
EXPENSES.--

A. The salaries of all district attorneys,
assistant district attorneys and other employees of their
offices shall be paid from the time when the district
attorney or assistant district attorney qualifies and from
the time when other employees begin their duties. All
salaries and expenses of the offices of the district

.131542.1

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

1 attorneys, except the expenses of maintenance and upkeep of
2 quarters occupied by the district attorneys and their staffs,
3 shall be paid from funds appropriated to the district
4 attorneys in the respective judicial districts upon warrants
5 drawn by the secretary of finance and administration in
6 accordance with budgets approved by the state budget division
7 of the department of finance and administration.

8 B. Nothing in this section shall be construed to
9 prevent an agreement between an incorporated municipality or
10 a county and a district attorney whereby the district
11 attorney agrees to assign an assistant to the municipality or
12 county and the municipality or county agrees to reimburse the
13 department of finance and administration to the credit of the
14 district attorney's budget for all or a portion of the
15 assistant's salary or expenses.

16 C. The provisions of this section shall not be
17 interpreted to prevent a district attorney from contracting
18 with an Indian nation, tribe or pueblo within the boundaries
19 of the district attorney's judicial district for the purpose
20 of authorizing the district attorney or his staff to:

- 21 (1) serve as a tribal prosecutor; or
- 22 (2) prosecute alleged violations of tribal
23 codes by tribal members in tribal courts.

24 D. If a district attorney enters into a contract,
25 as provided in Subsection C of this section, the district
attorney shall be reasonably compensated for the expenses of
staff and equipment."

underscored material = new
[bracketed material] = delete

1 Section 2. Section 36-1-18 NMSA 1978 (being Laws 1909,
2 Chapter 22, Section 2, as amended) is amended to read:

3 "36-1-18. DUTIES OF DISTRICT ATTORNEY.--

4 A. Each district attorney shall:

5 ~~[A.]~~ (1) prosecute and defend for the state
6 in all courts of record of the counties of his district all
7 cases, criminal and civil, in which the state or any county
8 in his district may be a party or may be interested;

9 ~~[B.]~~ (2) represent the county before the
10 board of county commissioners of any county in his district
11 in all matters before the board whenever requested to do so
12 by the board, and he may appear before the board when sitting
13 as a board of equalization without request;

14 ~~[C.]~~ (3) advise all county and state
15 officers whenever requested; and

16 ~~[D.]~~ (4) represent any county in his
17 district in all civil cases in which the county may be
18 concerned in the supreme court or court of appeals, but not
19 in suits brought in the name of the state.

20 B. A district attorney may contract with an Indian
21 nation, tribe or pueblo within the boundaries of the district
22 attorney's judicial district for the purpose of authorizing
23 the district attorney or his staff to:

- 24 (1) serve as a tribal prosecutor; or
25 (2) prosecute alleged violations of tribal
codes by tribal members in tribal courts."

Section 3. EFFECTIVE DATE.--The effective date of the

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

provisions of this act is July 1, 2000.