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HOUSE BILL 215

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Henry "Kiki" Saavedra

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL DISTRICT, METROPOLITAN AND MAGISTRATE JUDGESHIPS; PROVIDING FOR ADDITIONAL RESOURCES FOR DISTRICT ATTORNEYS AND PUBLIC DEFENDERS; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-6 NMSA 1978 (being Laws 1968, Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT. --There shall be [~~six~~] seven district judges in the third judicial district."

Section 2. Section 34-6-9 NMSA 1978 (being Laws 1968, Chapter 69, Section 12, as amended) is amended to read:

"34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT. --There shall be [~~two~~] three district judges in the sixth judicial district.

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1 The judge of division [~~1~~] one shall reside and maintain his
2 principal office in Grant county. "

3 Section 3. Section 34-6-14 NMSA 1978 (being Laws 1968,
4 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,
5 Section 3 and also by Laws 1995, Chapter 179, Section 1) is
6 amended to read:

7 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT. --There
8 shall be [~~six~~] eight district judges in the eleventh judicial
9 district. The judges of divisions one, three, four [~~and~~],
10 six, seven and eight shall reside and maintain their principal
11 offices in San Juan county. The judges of divisions two and
12 five shall reside and maintain their principal offices in
13 McKinley county. "

14 Section 4. Section 34-6-16 NMSA 1978 (being Laws 1971,
15 Chapter 52, Section 3, as amended) is amended to read:

16 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT. --There
17 shall be [~~five~~] six district judges in the thirteenth judicial
18 district. The judges of divisions one [~~and~~], three and six
19 shall reside and maintain their principal offices in Valencia
20 county. The judges of divisions two and five shall reside and
21 maintain their principal offices in Sandoval county. The
22 judge of division four shall reside and maintain his principal
23 office in Cibola county. "

24 Section 5. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,
25 Chapter 318, Section 2, as amended) is amended to read:

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"34- 8A- 4. 1. METROPOLITAN COURT JUDGES-- TERMS OF
OFFICE-- ELECTION. --

A. The elected term of office for each judge of
the metropolitan court is four years.

B. Any person appointed to fill a vacancy on the
metropolitan court after January 1, 1989 shall serve until the
next general election. That person's successor shall be
chosen at that general election and shall hold the office
until the general election four years later.

C. Judges of the Bernalillo county metropolitan
court for divisions thirteen, fourteen and fifteen shall be
appointed and shall serve until the 1992 general election.
Their successors shall be chosen at that general election and
shall hold office until the general election four years later.
Additional judges shall be appointed and elected pursuant to
Article 6 of the constitution of New Mexico.

D. A judge of the Bernalillo county metropolitan
court for division sixteen shall be appointed and shall serve
until the 2000 general election. His successor shall be
chosen at that general election and shall hold office until
the general election four years later.

E. A judge of the Bernalillo county metropolitan
court for division seventeen shall be appointed and shall
serve until the 2002 general election. His successor shall be
chosen at that general election and shall hold office until

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1 the general election four years later.

2 F. A judge of the Bernalillo county metropolitan
3 court for division eighteen shall be appointed and shall serve
4 until the 2002 general election. His successor shall be
5 chosen at the general election and shall hold office until the
6 general election four years later."

7 Section 6. Section 35-1-6 NMSA 1978 (being Laws 1968,
8 Chapter 62, Section 8, as amended) is amended to read:

9 "35-1-6. MAGISTRATE COURT--CHAVES DISTRICT.--There shall
10 be [~~two~~] three magistrates in Chaves magistrate district,
11 divisions 1 [~~and~~], 2 and 3 operating as a single court in
12 Roswell."

13 Section 7. Section 35-1-10 NMSA 1978 (being Laws 1968,
14 Chapter 62, Section 12, as amended) is amended to read:

15 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There
16 shall be [~~four~~] six magistrates in Dona Ana magistrate
17 district. Divisions 1, 2, 3, [~~and~~] 4, 5 and 6 shall operate
18 as a single court in Las Cruces and shall rotate riding
19 circuit to Anthony and Hatch on a regularly scheduled basis."

20 Section 8. Section 35-1-29 NMSA 1978 (being Laws 1968,
21 Chapter 62, Section 31, as amended) is amended to read:

22 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There
23 shall be [~~three~~] four magistrates in Santa Fe magistrate
24 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
25 court in Santa Fe; however, one magistrate shall ride circuit

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1 to Pojoaque on a regularly scheduled basis. "

2 Section 9. TEMPORARY PROVISION--DISTRICT AND
3 METROPOLITAN JUDGESHIIPS--APPOINTMENTS.--The additional
4 district and metropolitan judgeships provided for in this act
5 shall be filled by appointment by the governor pursuant to the
6 provisions of Article 6 of the constitution of New Mexico for
7 terms beginning July 1, 2001.

8 Section 10. TEMPORARY PROVISION--MAGISTRATE COURTS--
9 APPOINTMENT AND ELECTION.--The additional magistrate
10 judgeships provided for in this act shall be filled by
11 appointment by the governor. The appointed magistrates shall
12 begin serving on July 1, 2001 and shall serve until succeeded
13 by magistrates elected at the general election in 2002. The
14 elected magistrates' terms of office shall begin on January 1,
15 2003.

16 Section 11. APPROPRIATIONS.--

17 A. The following amounts are appropriated from the
18 general fund to the following agencies for expenditure in
19 fiscal year 2002 for the following purposes in the third
20 judicial district:

21 (1) two hundred seventy-one thousand four
22 hundred dollars (\$271,400) to the third judicial district
23 court to provide salaries and benefits and furniture, supplies
24 and equipment for one additional judge and support staff;

25 (2) one hundred ninety-three thousand seven

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1 hundred dollars (\$193,700) to the third judicial district
2 attorney to provide salaries and benefits and furniture,
3 supplies and equipment for additional staff due to increased
4 district court workload; and

5 (3) two hundred thousand two hundred dollars
6 (\$200,200) to the public defender department to provide
7 salaries and benefits and furniture, supplies and equipment
8 for additional public defender attorneys and support staff and
9 to provide for costs of contract and conflict counsel due to
10 increased district court workload.

11 B. The following amounts are appropriated from the
12 general fund to the following agencies for expenditure in
13 fiscal year 2002 for the following purposes in the sixth
14 judicial district:

15 (1) two hundred seventy-one thousand four
16 hundred dollars (\$271,400) to the sixth judicial district
17 court to provide salaries and benefits and furniture, supplies
18 and equipment for one additional judge and support staff;

19 (2) one hundred fifty-one thousand dollars
20 (\$151,000) to the sixth judicial district attorney to provide
21 salaries and benefits and furniture, supplies and equipment
22 for additional staff due to increased district court workload;
23 and

24 (3) fifty thousand dollars (\$50,000) to the
25 public defender department to pay costs of contract and

1 conflict counsel due to increased district court workload.

2 C. The following amounts are appropriated from the
3 general fund to the following agencies for expenditure in
4 fiscal year 2002 for the following purposes in the eleventh
5 judicial district:

6 (1) five hundred forty-two thousand eight
7 hundred dollars (\$542,800) to the eleventh judicial district
8 court to provide salaries and benefits and furniture, supplies
9 and equipment for two additional judges and support staff;

10 (2) one hundred twenty thousand six hundred
11 dollars (\$120,600) to the eleventh judicial district attorney
12 to provide salaries and benefits and furniture, supplies and
13 equipment for additional staff due to increased district court
14 workload; and

15 (3) one hundred eighty-five thousand two
16 hundred dollars (\$185,200) to the public defender department
17 to provide salaries and benefits and furniture, supplies and
18 equipment for additional public defender attorneys and support
19 staff and to provide for costs of contract and conflict
20 counsel due to increased district court workload.

21 D. The following amounts are appropriated from the
22 general fund to the following agencies for expenditure in
23 fiscal year 2002 for the following purposes in the thirteenth
24 judicial district:

25 (1) two hundred seventy-one thousand four

1 hundred dollars (\$271,400) to the thirteenth judicial district
2 court to provide salaries and benefits and furniture, supplies
3 and equipment for one additional judge and support staff;

4 (2) ninety-nine thousand four hundred dollars
5 (\$99,400) to the thirteenth judicial district attorney to
6 provide salaries and benefits and furniture, supplies and
7 equipment for additional staff due to increased workload in
8 division one; and

9 (3) sixty thousand dollars (\$60,000) to the
10 public defender department to pay costs of contract and
11 conflict counsel due to increased district court workload.

12 E. The following amounts are appropriated from the
13 general fund to the following agencies for expenditure in
14 fiscal year 2002 for increased costs in the Bernalillo county
15 metropolitan court:

16 (1) two hundred fifty-eight thousand two
17 hundred dollars (\$258,200) to the Bernalillo county
18 metropolitan court to provide salaries and benefits and
19 furniture, supplies and equipment for a judge and support
20 staff in division seventeen;

21 (2) two hundred fifty-eight thousand two
22 hundred dollars (\$258,200) to the Bernalillo county
23 metropolitan court to provide salaries and benefits and
24 furniture, supplies and equipment for a judge and support
25 staff in division eighteen;

1 (3) one hundred fifty-six thousand five
2 hundred dollars (\$156,500) to the second judicial district
3 attorney to provide salaries and benefits and furniture,
4 supplies and equipment for additional staff due to increased
5 metropolitan court workload; and

6 (4) three hundred eight thousand eight
7 hundred dollars (\$308,800) to the public defender department
8 to provide salaries and benefits and furniture, supplies and
9 equipment for additional public defender attorneys and support
10 staff and to provide for costs of contract and conflict
11 counsel due to increased metropolitan court workload.

12 F. The following amounts are appropriated from the
13 general fund to the following agencies for expenditure in
14 fiscal year 2002 for costs associated with additional
15 magistrate judges in Chaves, Dona Ana and Santa Fe magistrate
16 districts:

17 (1) to the administrative office of the
18 courts:

19 (a) ninety-four thousand four hundred
20 dollars (\$94,400) to provide salaries and benefits and
21 furniture, supplies and equipment for one additional
22 magistrate in the Chaves magistrate district;

23 (b) one hundred eighty-eight thousand
24 seven hundred dollars (\$188,700) to provide salaries and
25 benefits and furniture, supplies and equipment for two

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1 additional magistrates in the Dona Ana magistrate district;
2 and

3 (c) ninety-four thousand four hundred
4 dollars (\$94,400) to provide salaries and benefits and
5 furniture, supplies and equipment for one additional
6 magistrate in the Santa Fe magistrate district;

7 (2) seventy-five thousand four hundred
8 dollars (\$75,400) to the fifth judicial district attorney to
9 provide salaries and benefits and furniture, supplies and
10 equipment for additional staff due to the increased workload
11 in the Chaves magistrate court;

12 (3) eighty-seven thousand one hundred dollars
13 (\$87,100) to the public defender department to provide
14 salaries and benefits and furniture, supplies and equipment
15 for additional public defender attorneys and support staff and
16 to provide for costs of contract and conflict counsel due to
17 increased workload in the Chaves magistrate court;

18 (4) two hundred forty-five thousand four
19 hundred dollars (\$245,400) to the third judicial district
20 attorney to provide salaries and benefits and furniture,
21 supplies and equipment for additional staff due to the
22 increased workload in the Dona Ana magistrate court;

23 (5) two hundred thirty-five thousand five
24 hundred dollars (\$235,500) to the public defender department
25 to provide salaries and benefits and furniture, supplies and

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1 equipment for additional public defender attorneys and support
2 staff and to provide for costs of contract and conflict
3 counsel due to increased workload in the Dona Ana magistrate
4 court;

5 (6) seventy-six thousand six hundred dollars
6 (\$76,600) to the first judicial district attorney to provide
7 salaries and benefits and furniture, supplies and equipment
8 for additional staff due to the increased workload in the
9 Santa Fe magistrate court; and

10 (7) ninety-five thousand dollars (\$95,000) to
11 the public defender department to provide salaries and
12 benefits and furniture, supplies and equipment for additional
13 public defender attorneys and support staff and to provide for
14 costs of contract and conflict counsel due to increased
15 workload in the Santa Fe magistrate court.

16 G. Any unexpended or unencumbered balance
17 remaining from any of the appropriations in this section at
18 the end of fiscal year 2002 shall revert to the general fund.

19 Section 12. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2001.

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