HOUSE BILL 621

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

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.

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1   <u>B.</u> All salaries and expenses of the offices of the

2   district attorneys, except the expenses of maintenance and

3   upkeep of quarters occupied by the district attorneys and

4   their staffs, shall be paid from funds appropriated to the

5   district attorneys in the respective judicial districts upon

6   warrants drawn by the secretary of finance and administration

7   in accordance with budgets approved by the state budget

8   division of the department of finance and administration.

9   <u>C.</u> Nothing in this section shall be construed to

10   prevent an agreement between an incorporated municipality or a

11   county and a district attorney whereby the district attorney

12   agrees to assign an assistant to the municipality or county

13   and the municipality or county agrees to reimburse the

14   department of finance and administration to the credit of the

15   district attorney's budget for all or a portion of the

16   assistant's salary or expenses.

17   <u>D.</u> <u>The provisions of this section shall not be</u>

18   <u>interpreted to prevent a district attorney from contracting</u>

19   <u>with an Indian nation, tribe or pueblo within the boundaries</u>

20   <u>of the district attorney's judicial district for the purpose</u>

21   <u>of authorizing the district attorney or his staff to:</u>

22   <u>(1) serve as a tribal prosecutor; or</u>

23   <u>(2) prosecute alleged violations of tribal</u>

24   <u>codes by tribal members in tribal courts.</u>

25   <u>E.</u> <u>If a district attorney enters into a contract,</u>

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1   as provided in Subsection D of this section, the district

2   attorney shall be reasonably compensated for the expenses of

3   staff and equipment."

4   Section 2.   Section 36-1-18 NMSA 1978 (being Laws 1909,

5   Chapter 22, Section 2, as amended) is amended to read:

6   "36-1-18.   DUTIES OF DISTRICT ATTORNEY.--

7   A.   Each district attorney shall:

8   [A.] (1)   prosecute and defend for the state

9   in all courts of record of the counties of his district all

10   cases, criminal and civil, in which the state or any county in

11   his district may be a party or may be interested;

12   [B.] (2)   represent the county before the

13   board of county commissioners of any county in his district in

14   all matters before the board whenever requested to do so by

15   the board, and he may appear before the board when sitting as

16   a board of equalization without request;

17   [C.] (3)   advise all county and state officers

18   whenever requested; and

19   [D.] (4)   represent any county in his district

20   in all civil cases in which the county may be concerned in the

21   supreme court or court of appeals, but not in suits brought in

22   the name of the state.

23   B.   A district attorney may contract with an Indian

24   nation, tribe or pueblo within the boundaries of the district

25   attorney's judicial district for the purpose of authorizing

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1   the district attorney or his staff to:

2   (1)   serve as a tribal prosecutor; or

3   (2)   prosecute alleged violations of tribal

4   codes by tribal members in tribal courts."

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

6   provisions of this act is July 1, 2001.

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