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SENATE BILL 4

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Manny M Aragon

FOR THE JUDICIAL SYSTEM STUDY COMMITTEE

AN ACT

RELATING TO MAGISTRATE COURTS; ELIMINATING CERTAIN COURTS AND JUDGESHIPS; INCREASING THE NUMBER OF JUDGES IN CERTAIN MAGISTRATE DISTRICTS; PROVIDING FOR THE REALLOCATION OF JUDICIAL RESOURCES; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. Section 35-1-7 NMSA 1978 (being Laws 1968, Chapter 62, Section 9, as amended) is amended to read:

"35-1-7. MAGISTRATE COURT--COLFAX DISTRICT.--

A. Until July 1, 2002, there shall be two magistrates in Colfax magistrate district, division 1 in Raton and division 2 in Springer. The magistrates shall ride circuit to Cimarron on a regularly scheduled basis.

B. Effective July 1, 2002, there shall be two

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1 magistrates in Colfax magistrate district, division 1 in Raton
2 and division 2 in Springer.

3 C. Effective January 1, 2003, there shall be one
4 magistrate in Colfax magistrate district whose principal court
5 is in Raton. The magistrate shall ride circuit to Springer on
6 a regularly scheduled basis."

7 Section 2. Section 35-1-11 NMSA 1978 (being Laws 1968,
8 Chapter 62, Section 13, as amended) is amended to read:

9 "35-1-11. MAGISTRATE COURT--EDDY DISTRICT.--

10 A. Until January 1, 2003, there shall be three
11 magistrates in Eddy magistrate district, divisions 1 and 2 in
12 Carlsbad operating as a single court and division 3 in
13 Artesia.

14 B. Effective January 1, 2003, there shall be two
15 magistrates in Eddy magistrate district, divisions 1 and 2
16 operating as a single court in Carlsbad. A magistrate shall
17 ride circuit to Artesia on a regularly scheduled basis.

18 C. Magistrate judges shall not be elected at-large
19 from the district, but shall be elected by the voters of the
20 division for which the magistrate sits. Magistrate judges
21 shall reside in their division but shall have district-wide
22 jurisdiction. The composition of the divisions for elections
23 and residence purposes is as follows:

24 (1) division 1 is composed of Eddy county
25 precincts 9 through 16 and 31 through 33; and

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1 (2) division 2 is composed of Eddy county
2 precincts 1 through 8, 17 through 21, 23, 25 through 30 and 34
3 through 45. "

4 Section 3. Section 35-1-12 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 14) is amended to read:

6 "35-1-12. MAGISTRATE COURT--GRANT DISTRICT. --

7 A. Until January 1, 2003, there shall be two
8 magistrates in Grant magistrate district, division 1 in Silver
9 City and division 2 in Bayard.

10 B. Effective January 1, 2003, there shall be one
11 magistrate in Grant magistrate district with a court in Silver
12 City. "

13 Section 4. Section 35-1-13 NMSA 1978 (being Laws 1968,
14 Chapter 62, Section 15, as amended) is amended to read:

15 "35-1-13. MAGISTRATE COURT--GUADALUPE DISTRICT. --

16 A. Until July 1, 2002, there shall be one
17 magistrate in Guadalupe magistrate district whose principal
18 court is in Santa Rosa. The magistrate shall ride circuit to
19 Vaughn on a regularly scheduled basis.

20 B. Effective July 1, 2002, there shall be one
21 magistrate in Guadalupe magistrate district with a court in
22 Santa Rosa. "

23 Section 5. Section 35-1-16 NMSA 1978 (being Laws 1968,
24 Chapter 62, Section 18, as amended) is amended to read:

25 "35-1-16. MAGISTRATE COURT--LEA DISTRICT. --

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1 A. Until January 1, 2003, there shall be five
2 magistrates in Lea magistrate district, division 1 in
3 Lovington, divisions 2 and 5 operating as a single court in
4 Hobbs, division 3 in Eunice and division 4 in Tatum. The
5 division 3 magistrate shall ride circuit to Jal on a regularly
6 scheduled basis and shall ride circuit to Hobbs as needed.

7 B. Effective January 1, 2003, there shall be three
8 magistrates in Lea magistrate district, division 1 in
9 Lovington and divisions 2 and 3 operating as a single court in
10 Hobbs.

11 C. Magistrate judges shall not be elected at-large
12 from the district, but shall be elected by the voters of the
13 division for which the magistrate sits. Magistrate judges
14 shall reside in their division but shall have district-wide
15 jurisdiction. The composition of the divisions for elections
16 and residence purposes is as follows:

17 (1) division 1 is composed of Lea county
18 precincts 2, 3, 10 through 18, 20 through 24, 26 and 30;

19 (2) division 2 is composed of Lea county
20 precincts 35, 51 through 55 and 61; and

21 (3) division 3 is composed of Lea county
22 precincts 25, 27 through 29, 31 through 34, 36, 41 through 44,
23 62 and 71 through 74."

24 Section 6. Section 35-1-17 NMSA 1978 (being Laws 1968,
25 Chapter 62, Section 19, as amended) is amended to read:

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1 "35-1-17. MAGISTRATE COURT--LINCOLN DISTRICT.--

2 A. Until January 1, 2003, there shall be two
3 magistrates in Lincoln magistrate district, division 1 in
4 Carrizozo and division 2 in Ruidoso.

5 B. Effective January 1, 2003, there shall be one
6 magistrate in Lincoln magistrate district whose principal
7 court is in Ruidoso. The magistrate shall ride circuit to
8 Carrizozo on a regularly scheduled basis."

9 Section 7. Section 35-1-20 NMSA 1978 (being Laws 1968,
10 Chapter 62, Section 22, as amended) is amended to read:

11 "35-1-20. MAGISTRATE COURT--MCKINLEY DISTRICT.--

12 A. Until July 1, 2002, there shall be three
13 magistrates in McKinley magistrate district, divisions 1 and 2
14 operating as a single court in Gallup and division 3 in
15 Thoreau.

16 B. Effective July 1, 2002, there shall be three
17 magistrates in McKinley magistrate district, divisions 1, 2
18 and 3 operating as a single court in Gallup."

19 Section 8. Section 35-1-23 NMSA 1978 (being Laws 1968,
20 Chapter 62, Section 25, as amended) is amended to read:

21 "35-1-23. MAGISTRATE COURT--QUAY DISTRICT.--

22 A. Until July 1, 2002, there shall be one
23 magistrate in Quay magistrate district whose principal court
24 is in Tucumcari. The magistrate shall ride circuit to San Jon
25 on a regularly scheduled basis.

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1 B. Effective July 1, 2002, there shall be one
2 magistrate in Quay magistrate district with a court in
3 Tucumcari. "

4 Section 9. Section 35-1-29 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 31, as amended) is amended to read:

6 "35-1-29. MAGISTRATE COURT-- SANTA FE DISTRICT. --

7 A. Until July 1, 2002, there shall be three
8 magistrates in Santa Fe magistrate district, divisions 1, 2
9 and 3 operating as a single court in Santa Fe; however, one
10 magistrate shall ride circuit to Pojoaque on a regularly
11 scheduled basis.

12 B. Effective July 1, 2002, there shall be four
13 magistrates in Santa Fe magistrate district, divisions 1, 2, 3
14 and 4 operating as a single court in Santa Fe."

15 Section 10. Section 35-1-32 NMSA 1978 (being Laws 1968,
16 Chapter 62, Section 34, as amended) is amended to read:

17 "35-1-32. MAGISTRATE COURT-- TAOS DISTRICT. --

18 A. Until July 1, 2002, there shall be two
19 magistrates in Taos magistrate district, divisions 1 and 2
20 operating as a single court in Taos. The magistrates shall
21 rotate riding circuit to Questa on a regularly scheduled
22 basis.

23 B. Effective July 1, 2002, there shall be two
24 magistrates in Taos magistrate district, divisions 1 and 2
25 operating as a single court in Taos.

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1 C. Effective January 1, 2003, there shall be one
2 magistrate in Taos magistrate district with a court in Taos."

3 Section 11. Section 35-1-33 NMSA 1978 (being Laws 1968,
4 Chapter 62, Section 35, as amended) is amended to read:

5 "35-1-33. MAGISTRATE COURT--TORRANCE DISTRICT. --

6 A. Until July 1, 2002, there shall be one
7 magistrate in Torrance magistrate district whose principal
8 court is in Moriarty. The magistrate shall ride circuit to
9 Estancia on a regularly scheduled basis.

10 B. Effective July 1, 2002, there shall be one
11 magistrate in Torrance magistrate district with a court in
12 Moriarty."

13 Section 12. TEMPORARY PROVISION--COURT CLOSURES--CLERK
14 POSITIONS--OTHER RESOURCES.--The magistrate court clerk
15 positions assigned to the magistrate courts shall not be
16 decreased as a result of this act, but the administrative
17 office of the courts shall reassign positions from the
18 abolished courts to other magistrate courts. The
19 administrative office of the courts shall reassign other
20 resources, including furniture, equipment and supplies, to
21 other magistrate courts as needed.

22 Section 13. TEMPORARY PROVISION--APPOINTMENT--
23 ELECTION. --

24 A. The additional magistrate in Santa Fe
25 magistrate district shall be filled by appointment by the

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1 governor to begin serving on July 1, 2002. The appointed
2 magistrate shall serve until his successor has been elected
3 and qualified.

4 B. The first full term of office of magistrate
5 created in this act shall be filled by election at the general
6 election held in 2002, and the term of office shall begin on
7 January 1, 2003.

8 Section 14. APPROPRIATION. --

9 A. Ninety-nine thousand one hundred ten dollars
10 (\$99,110) is appropriated from the general fund to the
11 administrative office of the courts for expenditure in fiscal
12 year 2003 to pay salaries and benefits of a new magistrate in
13 Santa Fe county and the cost of establishing the new
14 judgeship, including additional staff if necessary. Any
15 unexpended or unencumbered balance remaining at the end of
16 fiscal year 2003 shall revert to the general fund.

17 B. Seventy-five thousand nine hundred twenty-five
18 dollars (\$75,925) is appropriated from the general fund to the
19 first judicial district attorney for expenditure in fiscal
20 year 2003 to provide salaries and benefits and furniture,
21 supplies and equipment for additional staff due to the
22 increased workload in the Santa Fe magistrate court. Any
23 unexpended or unencumbered balance remaining at the end of
24 fiscal year 2003 shall revert to the general fund.

25 C. One hundred three thousand dollars (\$103,000)

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1 is appropriated from the general fund to the public defender
2 department to provide salaries and benefits and furniture,
3 supplies and equipment for additional public defender
4 attorneys and support staff and to provide for costs of
5 contract and conflict counsel due to increased workload in the
6 Santa Fe magistrate court. Any unexpended or unencumbered
7 balance remaining at the end of fiscal year 2003 shall revert
8 to the general fund.

9 Section 15. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect
11 immediately.