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SENATE BILL 55

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

INTRODUCED BY

Lidio G. Rainaldi

FOR THE JUDICIAL SYSTEM STUDY COMMITTEE

AN ACT

RELATING TO COURTS; INCREASING THE NUMBER OF JUDGES IN CERTAIN
JUDICIAL DISTRICTS AND MAGISTRATE AND METROPOLITAN COURTS;
PROVIDING ADDITIONAL RESOURCES FOR THE PUBLIC DEFENDER
DEPARTMENT AND DISTRICT ATTORNEYS AFFECTED BY ADDITIONAL
JUDGES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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 34-6-7 NMSA 1978 (being Laws 1968,
Chapter 69, Section 10, as amended) is amended to read:

"34-6-7. JUDGES--FOURTH JUDICIAL DISTRICT.--There shall

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1 be [~~two~~] three district judges in the fourth judicial
2 district. "

3 Section 3. Section 34-6-9 NMSA 1978 (being Laws 1968,
4 Chapter 69, Section 12, as amended) is amended to read:

5 "34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall
6 be [~~two~~] three district judges in the sixth judicial district.
7 The judge of division [~~1~~] one shall reside and maintain his
8 principal office in Grant county. "

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

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

20 Section 5. Section 34-6-16 NMSA 1978 (being Laws 1971,
21 Chapter 52, Section 3, as amended) is amended to read:

22 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
23 shall be [~~five~~] six district judges in the thirteenth judicial
24 district. The judges of divisions one and three shall reside
25 and maintain their principal offices in Valencia county. The

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1 judges of divisions two, [~~and~~] five and six shall reside and
2 maintain their principal offices in Sandoval county. The
3 judge of division four shall reside and maintain his principal
4 office in Cibola county. "

5 Section 6. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,
6 Chapter 318, Section 2, as amended) is amended to read:

7 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF
8 OFFICE--ELECTION. --

9 A. The [~~elected~~] term of office for each judge of
10 the metropolitan court is four years. Judges shall be
11 appointed, elected and retained in accordance with Article 6
12 of the constitution of New Mexico.

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

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

25 D. ~~A judge of the Bernalillo county metropolitan~~

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1 ~~court for division sixteen shall be appointed and shall serve~~
2 ~~until the 2000 general election. His successor shall be~~
3 ~~chosen at that general election and shall hold office until~~
4 ~~the general election four years later.] "~~

5 Section 7. Section 34-8A-8 NMSA 1978 (being Laws 1979,
6 Chapter 346, Section 8, as amended) is amended to read:

7 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

8 A. The name of the metropolitan court in the
9 Bernalillo metropolitan district shall be the "Bernalillo
10 county metropolitan court".

11 B. The metropolitan court is an agency of the
12 judicial department of state government. Personnel of the
13 metropolitan court are subject to all laws and [regulations]
14 rules applicable to state officers and agencies and state
15 officers and employees, except where otherwise specifically
16 provided by law.

17 C. There shall be nineteen judges of the
18 Bernalillo county metropolitan court."

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

21 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There
22 shall be [~~three~~] four magistrates in the Santa Fe magistrate
23 district [~~divisions 1, 2 and 3~~] operating as a single court in
24 Santa Fe [~~however, one magistrate shall ride circuit to~~
25 ~~Pojoaque on a regularly scheduled basis~~]. "

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

6 Section 10. TEMPORARY PROVISION--SANTA FE MAGISTRATE
7 COURT--APPOINTMENT AND ELECTION.--The additional magistrate
8 judge provided for in this act shall be filled by appointment
9 by the governor. The appointed magistrate shall serve until
10 succeeded by a magistrate elected at the general election in
11 2002. The elected magistrate's term of office shall begin on
12 January 1, 2003.

13 Section 11. APPROPRIATIONS.--

14 A. The following amounts are appropriated from the
15 general fund to the following agencies for expenditure in
16 fiscal years 2002 and 2003 for the following purposes in the
17 third judicial district:

18 (1) two hundred eighty-six thousand five
19 hundred dollars (\$286,500) to the third judicial district
20 court to provide salaries and benefits and furniture, supplies
21 and equipment for one additional judge and support staff;

22 (2) seventy-eight thousand six hundred sixty-
23 five dollars (\$78,665) to the third judicial district attorney
24 to provide salaries and benefits and furniture, supplies and
25 equipment for additional staff due to increased district court

1 workload; and

2 (3) one hundred sixty thousand dollars
3 (\$160,000) to the public defender department to provide
4 salaries and benefits and furniture, supplies and equipment
5 for additional public defender attorneys and support staff and
6 to provide for costs of contract and conflict counsel due to
7 increased district court workload.

8 B. The following amounts are appropriated from the
9 general fund to the following agencies for expenditure in
10 fiscal years 2002 and 2003 for the following purposes in the
11 fourth judicial district:

12 (1) two hundred eighty-six thousand five
13 hundred dollars (\$286,500) to the fourth judicial district
14 court to provide salaries and benefits and furniture, supplies
15 and equipment for one additional judge and support staff;

16 (2) seventy-eight thousand six hundred sixty-
17 five dollars (\$78,665) to the fourth judicial district
18 attorney to provide salaries and benefits and furniture,
19 supplies and equipment for additional staff due to increased
20 district court workload; and

21 (3) seventy thousand dollars (\$70,000) to the
22 public defender department to provide salaries and benefits
23 and furniture, supplies and equipment for additional public
24 defender attorneys and support staff and to provide for costs
25 of contract and conflict counsel due to increased district

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1 court workload.

2 C. The following amounts are appropriated from the
3 general fund to the following agencies for expenditure in
4 fiscal years 2002 and 2003 for the following purposes in the
5 sixth judicial district:

6 (1) two hundred eighty-six thousand five
7 hundred dollars (\$286,500) to the sixth judicial district
8 court to provide salaries and benefits and furniture, supplies
9 and equipment for one additional judge and support staff;

10 (2) one hundred four thousand nine hundred
11 thirty dollars (\$104,930) to the sixth judicial district
12 attorney to provide salaries and benefits and furniture,
13 supplies and equipment for additional staff due to increased
14 district court workload; and

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

18 D. The following amounts are appropriated from the
19 general fund to the following agencies for expenditure in
20 fiscal years 2002 and 2003 for the following purposes in the
21 eleventh judicial district:

22 (1) five hundred seventy-three thousand
23 dollars (\$573,000) to the eleventh judicial district court to
24 provide salaries and benefits and furniture, supplies and
25 equipment for two additional judges and support staff;

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1 (2) one hundred fifty-seven thousand three
2 hundred thirty dollars (\$157,330) to the eleventh judicial
3 district attorney to provide salaries and benefits and
4 furniture, supplies and equipment for additional staff due to
5 increased district court workload; and

6 (3) two hundred twenty thousand dollars
7 (\$220,000) to the public defender department to provide
8 salaries and benefits and furniture, supplies and equipment
9 for additional public defender attorneys and support staff and
10 to provide for costs of contract and conflict counsel due to
11 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 years 2002 and 2003 for the following purposes in the
15 thirteenth judicial district:

16 (1) two hundred eighty-six thousand five
17 hundred dollars (\$286,500) to the thirteenth judicial district
18 court to provide salaries and benefits and furniture, supplies
19 and equipment for one additional judge and support staff;

20 (2) seventy-eight thousand six hundred sixty-
21 five dollars (\$78,665) to the thirteenth judicial district
22 attorney to provide salaries and benefits and furniture,
23 supplies and equipment for additional staff due to increased
24 workload in division one; and

25 (3) seventy thousand dollars (\$70,000) to the

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1 public defender department to pay costs of contract and
2 conflict counsel due to increased district court workload.

3 F. The following amounts are appropriated from the
4 general fund to the following agencies for expenditure in
5 fiscal years 2002 and 2003 for increased costs in the
6 Bernalillo county metropolitan court:

7 (1) two hundred sixty-eight thousand three
8 hundred twenty-five dollars (\$268,325) to the Bernalillo
9 county metropolitan court to provide salaries and benefits and
10 furniture, supplies and equipment for a judge and support
11 staff in division seventeen;

12 (2) two hundred sixty-eight thousand three
13 hundred twenty-five dollars (\$268,325) to the Bernalillo
14 county metropolitan court to provide salaries and benefits and
15 furniture, supplies and equipment for a judge and support
16 staff in division eighteen;

17 (3) two hundred sixty-eight thousand three
18 hundred twenty-five thousand dollars (\$268,325) to the
19 Bernalillo county metropolitan court to provide salaries and
20 benefits and furniture, supplies and equipment for a judge and
21 support staff in division nineteen;

22 (4) two hundred twenty thousand seven hundred
23 ninety dollars (\$220,790) to the second judicial district
24 attorney to provide salaries and benefits and furniture,
25 supplies and equipment for additional staff due to increased

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1 metropolitan court workload; and

2 (5) four hundred twenty-seven thousand
3 dollars (\$427,000) to the public defender department to
4 provide salaries and benefits and furniture, supplies and
5 equipment for additional public defender attorneys and support
6 staff and to provide for costs of contract and conflict
7 counsel due to increased metropolitan court workload.

8 G. The following amounts are appropriated from the
9 general fund to the following agencies for expenditure in
10 fiscal years 2002 and 2003 for costs associated with the
11 additional magistrate judge in Santa Fe magistrate district:

12 (1) ninety-nine thousand one hundred ten
13 dollars (\$99,110) to the administrative office of the courts
14 to provide salaries and benefits and furniture, supplies and
15 equipment for one additional magistrate in the Santa Fe
16 magistrate district;

17 (2) seventy-five thousand nine hundred
18 twenty-five dollars (\$75,925) to the first judicial district
19 attorney to provide salaries and benefits and furniture,
20 supplies and equipment for additional staff due to the
21 increased workload in the Santa Fe magistrate court; and

22 (3) one hundred three thousand dollars
23 (\$103,000) to the public defender department to provide
24 salaries and benefits and furniture, supplies and equipment
25 for additional public defender attorneys and support staff and

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1 to provide for costs of contract and conflict counsel due to
2 increased workload in the Santa Fe magistrate court.

3 H. Any unexpended or unencumbered balance
4 remaining from any of the appropriations in this section at
5 the end of fiscal year 2003 shall revert to the general fund.

6 Section 12. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect
8 immediately.