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HOUSE BILL 255

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Al Park

AN ACT

RELATING TO THE JUDICIAL STANDARDS COMMISSION; AUTHORIZING THE
JUDICIAL STANDARDS COMMISSION TO ISSUE SUBPOENAS WITHOUT
PETITION TO A DISTRICT COURT.

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

Section 1. Section 34-10-2.1 NMSA 1978 (being Laws 1977,
Chapter 289, Section 1) is amended to read:

"34-10-2.1. JUDICIAL STANDARDS COMMISSION--DUTIES--
SUBPOENA POWER.--

A. The judicial standards commission shall:

(1) investigate all charges, complaints and
allegations as to willful misconduct in office, persistent
failure or inability to perform a judge's duties or habitual
intemperance of any justice, judge or magistrate of any court,
and, when the commission deems necessary, hold a hearing on the

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1 charges, complaints or allegations concerning the discipline or
2 removal of ~~[such]~~ a judicial officer;

3 (2) investigate and, if the commission deems
4 necessary, hold hearings on any charge, complaint or allegation
5 that a justice, judge or magistrate has suffered a disability
6 seriously interfering with the performance of ~~[his]~~ duties
7 which is, or is likely to become, of a permanent character;

8 (3) if the commission deems it necessary or
9 convenient, appoint three masters, who are justices or judges
10 of courts of record, to hear and take evidence in any matter
11 arising under Paragraph (1) or (2) of this subsection who shall
12 report their findings to the commission; and

13 (4) after a hearing ~~[deemed necessary pursuant~~
14 ~~to Paragraph (2) of this subsection]~~ or after considering the
15 record and the findings and report of the masters, if the
16 commission finds good cause, it shall recommend to the supreme
17 court the discipline, removal or retirement of the justice,
18 judge or magistrate.

19 B. In any investigation or hearing held under the
20 provisions of this section, the commission shall have the power
21 to ~~[adminster]~~ administer oaths and ~~[with the concurrence of a~~
22 ~~majority of the members of the commission, it may petition a~~
23 ~~district court to subpoena witnesses]~~ issue subpoenas to compel
24 ~~[their]~~ the attendance of witnesses, examine them under oath or
25 affirmation, ~~[and]~~ require the production of any books,

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1 records, documents or other evidence [~~it may deem~~] relevant or
2 material to an investigation [~~upon a showing of probable cause~~]
3 or hearing."

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