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HOUSE BILL 244

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Charlotte Little and Andrea Reeb and Mark Duncan and
D. Wonda Johnson

AN ACT

RELATING TO MAGISTRATE COURT; PROVIDING FOR A MINIMUM AGE OF
TWENTY-EIGHT FOR MAGISTRATE JUDGES.

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

SECTION 1. Section 35-2-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 41, as amended) is amended to read:

"35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--

A. Each magistrate shall not be less than twenty-
eight years of age at the time of the election and shall be a
qualified elector of, and reside in, the magistrate district
for which the magistrate is elected or appointed.

B. No person is eligible for election or
appointment to the office of magistrate unless the person has
graduated from high school or has attained the equivalent of a
high school education as indicated by possession of a high

underscoring material = new
[bracketed material] = delete

1 school equivalency credential issued by the public education
2 department based upon the record made on the high school
3 equivalency credential test.

4 C. In magistrate districts with a population of
5 more than two hundred thousand persons in the last federal
6 decennial census, no person is eligible for election to the
7 office of magistrate unless the person:

8 (1) is a member of the bar of this state and
9 licensed to practice law in this state; or

10 (2) holds the office of magistrate in that
11 district when the federal decennial census is published, as
12 long as there is no break in service.

13 D. In magistrate districts with a population of
14 more than two hundred thousand persons in the last federal
15 decennial census, no person is eligible for appointment to the
16 office of magistrate unless the person is a member of the bar
17 of this state and licensed to practice law in this state.

18 E. A person holding the office of magistrate shall
19 not engage in the private practice of law during tenure in
20 office."