

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

SPONSOR Little/Reeb/Duncan/Johnson LAST UPDATED _____
ORIGINAL DATE 2/14/25
BILL
SHORT TITLE Magistrate Judge Minimum Age NUMBER House Bill 244
ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)

Agency Declined to Respond
Public Defender Department (PDD)

SUMMARY

Synopsis of House Bill 244

House Bill 244 (HB244) amends Section 35-2-1 NMSA 1978, which governs the personal qualifications of a magistrate judge. HB244 would require that a magistrate judge be at least 28 years old at the time of election.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

HB244 would not create any fiscal impacts for the judiciary as the bill only articulates an age requirement and would not change the number of magistrate judges or corresponding support staff.

SIGNIFICANT ISSUES

The Administrative Office of the Courts (AOC) points out that for districts with less than 200 thousand in population, a magistrate judge does not have any additional requirements. By contrast, in districts with populations higher than 200 thousand, magistrate judges must be a member of the New Mexico Bar Association and licensed to practice law in the state. Small districts require only that a judge be a qualified elector, residing in the magistrate district, and be a high school graduate or equivalent. AOC also notes that the bill is fully supported by the Magistrate Judges Association and, if enacted, will not affect sitting magistrates. The youngest current magistrate judge is 30 years old.

AOC states that to become a Bernalillo County Metropolitan Court Judge, a prospective judge must be a member of the state bar and have practiced law in the state for at least three years. While there is not a specific age requirement, based on the time it takes to meet these qualifications, most potential judges are typically around 28 years old when they become eligible for the position. The Bernalillo County Metropolitan Court has the same jurisdiction as magistrate courts with some additional jurisdiction.

The New Mexico Attorney General (NMAG) points out that HB244 does not appear to tie the new age qualification to magistrate judges at time of appointment, only to the time of election. The bill does not address whether the new age qualification would apply to presently sitting magistrate judges. AOC, as mentioned above, clarifies that there are no sitting judges younger than 28 years of age.

FC/rl/SR