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\_\_\_\_\_ JOINT RESOLUTION

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

DISCUSSION DRAFT

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 23 OF THE CONSTITUTION OF  
NEW MEXICO TO ALLOW THE LEGISLATURE TO PROVIDE COUNTY  
COMMISSIONS THE OPTION TO TRANSFER PROBATE JURISDICTION TO A  
STATE COURT UPON APPROVAL OF THE SUPREME COURT.

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

**SECTION 1.** It is proposed to amend Article 6, Section 23  
of the constitution of New Mexico to read:

"A probate court is hereby established for each county,  
which shall be a court of record, and, until otherwise provided  
by law, shall have the same jurisdiction as heretofore  
exercised by the probate courts of New Mexico and shall also  
have jurisdiction to determine heirship with respect to real  
property in all proceedings for the administration of  
decedents' estates. The legislature may provide county

underscoring material = new  
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1 commissions the authority to close a probate court of the  
2 county and transfer its jurisdiction to a state court upon  
3 approval of the supreme court. The legislature shall have  
4 power from time to time to confer upon the probate court in any  
5 county in this state jurisdiction to determine heirship in all  
6 probate proceedings, and shall have power also from time to  
7 time to confer upon the probate court in any county in this  
8 state general civil jurisdiction coextensive with the county;  
9 provided, however, that such court shall not have jurisdiction  
10 in civil causes in which the matter in controversy shall exceed  
11 in value three thousand dollars [~~(\$3,000.00)~~] \$3,000 exclusive  
12 of interest and cost; nor in any action for malicious  
13 prosecution, slander and libel; nor in any action against  
14 officers for misconduct in office; nor in any action for the  
15 specific performance of contracts for the sale of real estate;  
16 nor in any action for the possession of land; nor in any matter  
17 wherein the title or boundaries of land may be in dispute or  
18 drawn in question, except as title to real property may be  
19 affected by the determination of heirship; nor to grant writs  
20 of injunction, habeas corpus or extraordinary writs.  
21 Jurisdiction may be conferred upon the judges of said court to  
22 act as examining and committing magistrates in criminal cases,  
23 and upon said courts for the trial of misdemeanors in which the  
24 punishment cannot be imprisonment in the penitentiary, or in  
25 which the fine cannot be in excess of one thousand dollars

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1 (\$1,000). A jury for the trial of such cases shall consist of  
2 six ~~men~~ persons. The legislature shall prescribe the  
3 qualifications and fix the compensation of probate judges."