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_____ BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURTS; PROVIDING THAT ON-RECORD PROCEEDINGS IN METROPOLITAN COURTS MAY BE APPEALED DIRECTLY TO THE COURT OF APPEALS.

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

SECTION 1. Section 34-8A-6 NMSA 1978 (being Laws 1979, Chapter 346, Section 6, as amended) is amended to read:

"34-8A-6. METROPOLITAN COURT--RULES--APPEAL.--

A. The supreme court shall adopt separate rules of procedure for the metropolitan courts. The rules shall provide simple procedures for the just, speedy and inexpensive determination of any metropolitan court action.

B. The metropolitan court is a court of record for civil actions. Any party aggrieved by a judgment rendered by the metropolitan court in a civil action may appeal to the

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1 ~~[district court of the county in which the metropolitan court~~
2 ~~is located within fifteen days after the judgment was rendered]~~
3 court of appeals. The manner and method for the appeal shall
4 be set forth by supreme court rule.

5 C. The metropolitan court is a court of record for
6 criminal actions involving driving while under the influence of
7 intoxicating ~~[liquors]~~ liquor or drugs or involving domestic
8 violence. A criminal action involving domestic violence means
9 an assault or battery under any state law or municipal or
10 county ordinance in which the alleged victim is a household
11 member as defined in the Family Violence Protection Act. Any
12 party aggrieved by a judgment rendered by the metropolitan
13 court in a criminal action involving driving while under the
14 influence of intoxicating ~~[liquors]~~ liquor or drugs or
15 involving domestic violence may appeal to the ~~[district court~~
16 ~~of the county in which the metropolitan court is located within~~
17 ~~fifteen days after the judgment was rendered]~~ court of appeals.
18 The manner and method of appeal shall be set forth by supreme
19 court rule.

20 D. The metropolitan court is not a court of record
21 for criminal actions other than driving while under the
22 influence of intoxicating ~~[liquors]~~ liquor or drugs or domestic
23 violence actions. Any party aggrieved by a judgment rendered
24 by the metropolitan court in a criminal action, other than
25 driving while under the influence of intoxicating ~~[liquors]~~

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1 liquor or drugs or domestic violence action, may appeal to the
2 district court of the county in which the metropolitan court is
3 located within fifteen days after the judgment was rendered.
4 The appeal shall be de novo.

5 E. All judgments rendered in civil actions in the
6 metropolitan court shall be subject to the same provisions of
7 law as those rendered in district court."

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