

HOUSE BILL 230

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

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AN ACT

RELATING TO COURTS; CREATING ADDITIONAL DISTRICT,
METROPOLITAN AND MAGISTRATE JUDGESHIPS; PROVIDING FOR
ADDITIONAL RESOURCES FOR DISTRICT ATTORNEYS AND PUBLIC
DEFENDERS; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-5 NMSA 1978 (being Laws 1968,
Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
be [~~twenty-three~~] twenty-four district judges in the second
judicial district."

Section 2. Section 34-6-9 NMSA 1978 (being Laws 1968,
Chapter 69, Section 12, as amended) is amended to read:

"34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall
be [~~two~~] three district judges in the sixth judicial
district. The judge of division [~~±~~] one shall reside and

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1 maintain his principal office in Grant county."

2 Section 3. Section 34-6-14 NMSA 1978 (being Laws 1968,
3 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,
4 Section 3 and also by Laws 1995, Chapter 179, Section 1) is
5 amended to read:

6 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There
7 shall be [~~six~~] seven district judges in the eleventh judicial
8 district. The judges of divisions one, three, four, [~~and~~]
9 six and seven shall reside and maintain their principal
10 offices in San Juan county. The judges of divisions two and
11 five shall reside and maintain their principal offices in
12 McKinley county."

13 Section 4. Section 34-6-16 NMSA 1978 (being Laws 1971,
14 Chapter 52, Section 3, as amended) is amended to read:

15 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
16 shall be [~~five~~] six district judges in the thirteenth
17 judicial district. The judges of divisions one, [~~and~~] three
18 and six shall reside and maintain their principal offices in
19 Valencia county. The judges of divisions two and five shall
20 reside and maintain their principal offices in Sandoval
21 county. The judge of division four shall reside and maintain
22 his principal office in Cibola county."

23 Section 5. Section 34-8A-4.1 NMSA 1978 (being Laws
24 1981, Chapter 318, Section 2, as amended) is amended to read:

25 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF
OFFICE--ELECTION.--

A. The elected term of office for each judge of

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1 the metropolitan court is four years.

2 B. Any person appointed to fill a vacancy on the
3 metropolitan court after January 1, 1989 shall serve until
4 the next general election. That person's successor shall be
5 chosen at that general election and shall hold the office
6 until the general election four years later.

7 C. Judges of the Bernalillo county metropolitan
8 court for divisions thirteen, fourteen and fifteen shall be
9 appointed and shall serve until the 1992 general election.
10 Their successors shall be chosen at that general election and
11 shall hold office until the general election four years
12 later. Additional judges shall be appointed and elected
13 pursuant to Article 6 of the constitution of New Mexico.

14 D. A judge of the Bernalillo county metropolitan
15 court for division sixteen shall be appointed and shall serve
16 until the 2000 general election. His successor shall be
17 chosen at that general election and shall hold office until
18 the general election four years later.

19 E. A judge of the Bernalillo county metropolitan
20 court for division seventeen shall be appointed and shall
21 serve until the 2000 general election. His successor shall
22 be chosen at that general election and shall hold office
23 until the general election four years later.

24 F. A judge of the Bernalillo county metropolitan
25 court for division eighteen shall be appointed and shall
serve until the 2000 general election. His successor shall
be chosen at the general election and shall hold office until

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1 the general election four years later.

2 G. A judge of the Bernalillo county metropolitan
3 court for division nineteen shall be appointed and shall
4 serve until the 2000 general election. His successor shall
5 be chosen at the general election and shall hold office until
6 the general election four years later."

7 Section 6. Section 35-1-6 NMSA 1978 (being Laws 1968,
8 Chapter 62, Section 8, as amended) is amended to read:

9 "35-1-6. MAGISTRATE COURT--CHAVES DISTRICT.--There
10 shall be [~~two~~] three magistrates in Chaves magistrate
11 district, divisions 1, [~~and~~] 2 and 3 operating as a single
12 court in Roswell."

13 Section 7. Section 35-1-29 NMSA 1978 (being Laws 1968,
14 Chapter 62, Section 31, as amended) is amended to read:

15 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There
16 shall be [~~three~~] four magistrates in Santa Fe magistrate
17 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
18 court in Santa Fe; however, one magistrate shall ride circuit
19 to Pojoaque on a regularly scheduled basis."

20 Section 8. TEMPORARY PROVISION.--The additional
21 district and metropolitan judgeships provided for in this act
22 shall be filled by appointment by the governor pursuant to
23 the provisions of Article 6 of the constitution of New Mexico
24 for terms beginning July 1, 2000.

25 Section 9. TEMPORARY PROVISION--MAGISTRATE COURTS--
APPOINTMENT--ELECTION.--The additional magistrate judgeships
provided for in this act shall be filled by appointment by

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1 the governor. The appointed magistrates shall begin serving
2 on July 1, 2000 and shall serve until succeeded by a
3 magistrate elected at the general election in 2000. The
4 elected magistrate's term of office shall begin on January 1,
5 2001.

6 Section 10. APPROPRIATIONS.--

7 A. Two hundred fifty-six thousand eight hundred
8 dollars (\$256,800) is appropriated from the general fund to
9 the second judicial district court for expenditure in fiscal
10 year 2001 to provide salaries and benefits and furniture,
11 supplies and equipment for one additional judge and support
12 staff.

13 B. The following amounts are appropriated from the
14 general fund to the following agencies for expenditure in
15 fiscal year 2001 for the following purposes in the sixth
16 judicial district:

17 (1) two hundred fifty-six thousand eight
18 hundred dollars (\$256,800) to the sixth judicial district
19 court to provide salaries and benefits and furniture,
20 supplies and equipment for one additional judge and support
21 staff;

22 (2) ninety-eight thousand nine hundred
23 dollars (\$98,900) to the sixth judicial district attorney to
24 pay costs associated with increased district court workload;
25 and

(3) thirty thousand dollars (\$30,000) to the
public defender department to pay costs associated with

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1 increased district court workload.

2 C. The following amounts are appropriated from the
3 general fund to the following agencies for expenditure in
4 fiscal year 2001 for the following purposes in the eleventh
5 judicial district:

6 (1) two hundred fifty-six thousand eight
7 hundred dollars (\$256,800) to the eleventh judicial district
8 court to provide salaries and benefits and furniture,
9 supplies and equipment for one additional judge and support
10 staff;

11 (2) one hundred twenty-one thousand four
12 hundred dollars (\$121,400) to the eleventh judicial district
13 attorney to pay costs associated with increased workload in
14 division one; and

15 (3) fifteen thousand dollars (\$15,000) to
16 the public defender department to pay costs associated with
17 increased workload.

18 D. The following amounts are appropriated from the
19 general fund to the following agencies for expenditure in
20 fiscal year 2001 for the following purposes in the thirteenth
21 judicial district:

22 (1) two hundred fifty-six thousand eight
23 hundred dollars (\$256,800) to the thirteenth judicial
24 district court to provide salaries and benefits and
25 furniture, supplies and equipment for one additional judge
and support staff; and

(2) fifty-three thousand two hundred dollars

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1 (\$53,200) to the public defender department to pay costs
2 associated with increased workload.

3 E. The following amounts are appropriated from the
4 general fund to the following agencies for expenditure in
5 fiscal year 2001 for increased costs in the Bernalillo
6 metropolitan district:

7 (1) two hundred forty-six thousand two
8 hundred dollars (\$246,200) to the Bernalillo county
9 metropolitan court to provide salaries and benefits and
10 furniture, supplies and equipment for a judge and support
11 staff in division seventeen;

12 (2) two hundred forty-six thousand two
13 hundred dollars (\$246,200) to the Bernalillo county
14 metropolitan court to provide salaries and benefits and
15 furniture, supplies and equipment for a judge and support
16 staff in division eighteen;

17 (3) two hundred forty-six thousand two
18 hundred dollars (\$246,200) to the Bernalillo county
19 metropolitan court to provide salaries and benefits and
20 furniture, supplies and equipment for a judge and support
21 staff in division nineteen;

22 (4) one hundred ninety-four thousand six
23 hundred dollars (\$194,600) to the second judicial district
24 attorney to pay costs associated with increased metropolitan
25 court workload; and

(5) two hundred eighty-five thousand nine
hundred dollars (\$285,900) to the public defender department

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1 to pay costs associated with increased metropolitan court
2 workload.

3 F. The following amounts are appropriated from the
4 general fund to the following agencies for expenditure in
5 fiscal year 2001 for costs associated with additional
6 magistrate judges in Chaves and Santa Fe magistrate
7 districts:

8 (1) to the administrative office of the
9 courts:

10 (a) eighty-six thousand five hundred
11 dollars (\$86,500) to pay salaries and benefits and furniture,
12 supplies and equipment for one additional magistrate in the
13 Chaves magistrate district; and

14 (b) eighty-six thousand five hundred
15 dollars (\$86,500) to pay salaries and benefits and furniture,
16 supplies and equipment for one additional magistrate in the
17 Santa Fe magistrate district;

18 (2) seventy-four thousand six hundred
19 dollars (\$74,600) to the fifth judicial district attorney to
20 pay costs associated with the increased workload in the
21 Chaves magistrate court;

22 (3) seventy-five thousand one hundred
23 dollars (\$75,100) to the public defender department to pay
24 costs associated with the increased workload in the Chaves
25 magistrate court;

(4) seventy-one thousand dollars (\$71,000)
to the first judicial district attorney to pay costs

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1 associated with the increased workload in the Santa Fe
2 magistrate court; and

3 (5) seventy-five thousand one hundred
4 dollars (\$75,100) to the public defender department to pay
5 costs associated with the increased workload in the Santa Fe
6 magistrate court.

7 G. Any unexpended or unencumbered balance
8 remaining from any of the appropriations in this section at
9 the end of fiscal year 2001 shall revert to the general fund.

10 Section 11. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2000.

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