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HOUSE BILL 24

44TH LEGISLATURE - STATE OF NEW MEXICO - 2ND SECOND SESSION, 2000

INTRODUCED BY

Henry "Kiki" Saavedra

AN ACT

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

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
maintain his principal office in Grant county."

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

5 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There
6 shall be [~~six~~] seven district judges in the eleventh judicial
7 district. The judges of divisions one, three, four, [~~and~~]
8 six and seven shall reside and maintain their principal
9 offices in San Juan county. The judges of divisions two and
10 five shall reside and maintain their principal offices in
11 McKinley county."

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

14 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
15 shall be [~~five~~] six district judges in the thirteenth
16 judicial district. The judges of divisions one, [~~and~~] three
17 and six shall reside and maintain their principal offices in
18 Valencia county. The judges of divisions two and five shall
19 reside and maintain their principal offices in Sandoval
20 county. The judge of division four shall reside and maintain
21 his principal office in Cibola county."

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

24 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF
25 OFFICE--ELECTION.--

 A. The elected term of office for each judge of
the metropolitan court is four years.

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

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

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

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

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

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

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

8 "35-1-6. MAGISTRATE COURT--CHAVES DISTRICT.--There
9 shall be [~~two~~] three magistrates in Chaves magistrate
10 district, divisions 1, [~~and~~] 2 and 3 operating as a single
11 court in Roswell."

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

14 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There
15 shall be [~~three~~] four magistrates in Santa Fe magistrate
16 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
17 court in Santa Fe; however, one magistrate shall ride circuit
18 to Pojoaque on a regularly scheduled basis."

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

24 Section 9. TEMPORARY PROVISION--MAGISTRATE COURTS--
25 APPOINTMENT--ELECTION.--The additional magistrate judgeships
provided for in this act shall be filled by appointment by
the governor. The appointed magistrates shall begin serving

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

5 Section 10. APPROPRIATIONS.--

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

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

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

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

25 (3) thirty thousand dollars (\$30,000) to the
public defender department to pay costs associated with
increased district court workload.

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

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

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

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

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

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

 (2) fifty-three thousand two hundred dollars
(\$53,200) to the public defender department to pay costs

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1 associated with increased workload.

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

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

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

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

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

25 (5) two hundred eighty-five thousand nine
hundred dollars (\$285,900) to the public defender department
to pay costs associated with increased metropolitan court

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1 workload.

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

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

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

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

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

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

25 (4) seventy-one thousand dollars (\$71,000)
to the first judicial district attorney to pay costs
associated with the increased workload in the Santa Fe

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1 magistrate court; and

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

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

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

11 Section 12. EMERGENCY.--It is necessary for the public
12 peace, health and safety that this act take effect
13 immediately.