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SENATE BILL 77

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO TRIALS; AMENDING SECTION 35-8-1 NMSA 1978 (BEING LAWS 1968, CHAPTER 62, SECTION 108, AS AMENDED) TO ABOLISH THE STATUTORY RIGHT TO A JURY TRIAL IN CERTAIN CASES IN MAGISTRATE COURTS; DECLARING AN EMERGENCY.

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

Section 1. Section 35-8-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 108, as amended) is amended to read:

"35-8-1. MAGISTRATE JURY--RIGHT TO TRIAL BY JURY.--

~~[Except for contempt of the magistrate court]~~ The right to trial by jury exists in all actions in the magistrate court ~~[which]~~ that are within magistrate trial jurisdiction except for:

- A. contempt of the magistrate court; and
- B. prosecutions of offenses or combinations of

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1 offenses for which the potential maximum aggregate penalty is
2 imprisonment for ninety days or less. "

3 Section 2. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately.

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