

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE SECOND, NINTH AND ELEVENTH JUDICIAL DISTRICTS AND IN THE BERNALILLO COUNTY METROPOLITAN COURT; CREATING ADDITIONAL MAGISTRATES IN SAN JUAN, SANDOVAL AND SANTA FE COUNTIES; 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-four district judges in the second judicial district."

Section 2. Section 34-6-12 NMSA 1978 (being Laws 1968, Chapter 69, Section 15, as amended) is amended to read:

"34-6-12. JUDGES--NINTH JUDICIAL DISTRICT.--There shall be four district judges in the ninth judicial district. The judge of division three shall reside in Curry or Roosevelt county and maintain a principal office in Roosevelt county. As used in this section, "maintain a principal office" means holding court or being available to hold court no less than one hundred forty days during each calendar year."

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

amended to read:

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

Section 4. Section 34-8A-4.1 NMSA 1978 (being Laws 1981, Chapter 318, Section 2, as amended) is amended to read:

"34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF OFFICE.--The term of office for each judge of the metropolitan court is four years. Judges shall be appointed, elected and retained in accordance with Article 6 of the constitution of New Mexico."

Section 5. Section 34-8A-8 NMSA 1978 (being Laws 1979, Chapter 346, Section 8, as amended) is amended to read:

"34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

A. The name of the metropolitan court in the Bernalillo metropolitan district shall be the "Bernalillo county metropolitan court".

B. The metropolitan court is an agency of the judicial department of state government. Personnel of the metropolitan court are subject to all laws and regulations applicable to state officers and agencies and state officers

and employees, except where otherwise specifically provided by law.

C. There shall be eighteen judges of the Bernalillo county metropolitan court."

Section 6. Section 35-1-26 NMSA 1978 (being Laws 1968, Chapter 62, Section 28) is amended to read:

"35-1-26. MAGISTRATE COURT--SANDOVAL DISTRICT.--There shall be three magistrates in Sandoval magistrate district, divisions 1 and 3 in Bernalillo and division 2 in Cuba."

Section 7. Section 35-1-27 NMSA 1978 (being Laws 1968, Chapter 62, Section 29, as amended) is amended to read:

"35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION DIVISION PRECINCTS.--

A. There shall be five magistrate divisions in San Juan magistrate district, each division having its own magistrate. Divisions 1 and 4 shall operate as a single court in Aztec and divisions 2, 3 and 5 shall operate as a single court in Farmington.

B. Magistrate judges shall not be elected at large from the district, but shall be elected by the voters of the division for which the magistrate sits. Magistrate judges may reside anywhere within the magistrate district and shall have district-wide jurisdiction. The composition of the divisions for elections purposes is:

(1) division 1 is composed of San Juan

county precincts 60 through 69 and 72 through 76;

(2) division 2 is composed of San Juan county precincts 2 through 4, 8 through 14, 18, 19 and 82;

(3) division 3 is composed of San Juan county precincts 20, 22 through 25, 27, 30, 40 through 44, 46, 47 and 49;

(4) division 4 is composed of San Juan county precincts 1, 5 through 7, 15, 16, 53, 57, 58, 71, 79, 81 and 83 through 86; and

(5) division 5 is composed of San Juan county precincts 21, 26, 28, 29, 31, 45, 51, 52, 54 through 56, 59 and 70."

Section 8. Section 35-1-29 NMSA 1978 (being Laws 1968, Chapter 62, Section 31, as amended) is amended to read:

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

Section 9. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN JUDGES--APPOINTMENTS.--The additional district and metropolitan judgeships provided for in this 2005 act shall be filled by appointment by the governor pursuant to the provisions of Article 6 of the constitution of New Mexico.

Section 10. TEMPORARY PROVISION--MAGISTRATE COURT--

APPOINTMENTS AND ELECTION.--The offices of magistrate in San Juan division 5, Sandoval division 3 and Santa Fe division 4 shall be filled by appointments by the governor to begin serving on July 1, 2005. The appointed magistrates shall serve until succeeded by magistrates elected at the general election in 2006. The first full term of office of the elected magistrates shall begin on January 1, 2007.

Section 11. APPROPRIATIONS.--

A. The following amounts are appropriated from the general fund to the following agencies for expenditure in fiscal year 2006 for the following purposes:

(1) three hundred twelve thousand four hundred twenty-nine dollars (\$312,429) to the second judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff;

(2) three hundred twelve thousand four hundred twenty-nine dollars (\$312,429) to the ninth judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff;

(3) three hundred twelve thousand four hundred twenty-nine dollars (\$312,429) to the eleventh judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff;

(4) five hundred eighty-four thousand three

hundred ninety dollars (\$584,390) to the Bernalillo county metropolitan court for salaries and benefits and furniture, supplies and equipment for two additional judges, one of which shall have a fiscal year 2006 docket composed primarily of criminal offenses associated with driving while intoxicated, and support staff;

(5) one hundred six thousand two hundred sixty-nine dollars (\$106,269) to the administrative office of the courts for salary and benefits and furniture, equipment and supplies for one additional magistrate judge in the San Juan magistrate district;

(6) one hundred six thousand two hundred sixty-nine dollars (\$106,269) to the administrative office of the courts for salary and benefits and furniture, equipment and supplies for one additional magistrate judge in the Sandoval magistrate district; and

(7) one hundred six thousand two hundred sixty-nine dollars (\$106,269) to the administrative office of the courts for salary and benefits and furniture, equipment and supplies for one additional magistrate judge in the Santa Fe magistrate district.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 12. EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 2005. \_\_\_\_\_

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