

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 239

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO MAGISTRATE COURTS; ELIMINATING CIRCUITS IN THE COLFAX, GUADALUPE, LEA AND QUAY MAGISTRATE DISTRICTS; MOVING THE THOREAU DIVISION TO GALLUP IN THE MCKINLEY DISTRICT; ELIMINATING A DIVISION IN THE LEA MAGISTRATE DISTRICT.

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

Section 1. Section 35-1-7 NMSA 1978 (being Laws 1968, Chapter 62, Section 9, as amended) is amended to read:

"35-1-7. MAGISTRATE COURT--COLFAX DISTRICT.--There shall be two magistrates in Colfax magistrate district, division 1 in Raton and division 2 in Springer. [~~The magistrates shall ride circuit to Cimarron on a regularly scheduled basis.~~]"

Section 2. Section 35-1-13 NMSA 1978 (being Laws 1968, Chapter 62, Section 15, as amended) is amended to read:

"35-1-13. MAGISTRATE COURT--GUADALUPE DISTRICT.--There

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 shall be one magistrate in Guadalupe magistrate district whose
2 principal court is in Santa Rosa. [~~The magistrate shall ride~~
3 ~~circuit to Vaughn on a regularly scheduled basis.~~]"

4 Section 3. Section 35-1-16 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 18, as amended) is amended to read:

6 "35-1-16. MAGISTRATE COURT--LEA DISTRICT.--

7 A. Through December 31, 2010, there shall be five
8 magistrates in Lea magistrate district, division 1 in
9 Lovington, divisions 2 and 5 operating as a single court in
10 Hobbs, division 3 in Eunice and division 4. [~~in Tatum. The~~
11 ~~division 3 magistrate shall ride circuit to Jal on a regularly~~
12 ~~scheduled basis and shall ride circuit to Hobbs as needed]~~ The
13 division 4 magistrate shall ride circuit to Lovington, Hobbs
14 and Eunice.

15 B. On January 1, 2011, there shall be four
16 magistrates in the Lea magistrate district, divisions 1 and 2
17 operating as a single court in Hobbs, division 3 in Eunice and
18 division 4 in Lovington.

19 C. Magistrate judges shall not be elected at large
20 from the district but shall be elected by the voters of the
21 division for which the magistrate sits. Magistrate judges
22 shall reside in their divisions but shall have district-wide
23 jurisdiction. For the 2010 and subsequent elections, the
24 composition of the divisions for elections and residence
25 purposes is as follows:

.175527.1

underscored material = new
[bracketed material] = delete

1 (1) division 1 is composed of Lea county
2 precincts 23 through 30, 32 and 41 through 43;

3 (2) division 2 is composed of Lea county
4 precincts 33 through 35, 44, 51 through 55 and 61;

5 (3) division 3 is composed of Lea county
6 precincts 20, 22, 31, 36, 62 and 71 through 74; and

7 (4) division 4 is composed of Lea county
8 precincts 2, 3, 10 through 18 and 21."

9 Section 4. Section 35-1-20 NMSA 1978 (being Laws 1968,
10 Chapter 62, Section 22, as amended) is amended to read:

11 "35-1-20. MAGISTRATE COURT--MCKINLEY DISTRICT.--There
12 shall be three magistrates in McKinley magistrate district,
13 divisions 1, [~~and~~] 2 and 3 operating as a single court in
14 Gallup [~~and division 3 in Thoreau~~]."

15 Section 5. Section 35-1-23 NMSA 1978 (being Laws 1968,
16 Chapter 62, Section 25, as amended) is amended to read:

17 "35-1-23. MAGISTRATE COURT--QUAY DISTRICT.--There shall
18 be one magistrate in Quay magistrate district whose principal
19 court is in Tucumcari. [~~The magistrate shall ride circuit to~~
20 ~~San Jon on a regularly scheduled basis.~~]"

21 Section 6. TEMPORARY PROVISION--CLERK POSITIONS--OTHER
22 RESOURCES.--The magistrate court clerk positions assigned to
23 the magistrate courts shall not be decreased as a result of
24 this act, but the administrative office of the courts shall
25 reassign positions from the eliminated division in the Lea

.175527.1

underscored material = new
[~~bracketed material~~] = delete

1 district to other magistrate courts. The administrative office
2 of the courts shall reassign other resources, including
3 furniture, equipment and supplies, to other magistrate courts
4 as needed.

5 Section 7. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2009.

7 - 4 -

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25