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SENATE JOINT RESOLUTION 1

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Peter Wirth

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO
TO REMOVE THE REQUIREMENT THAT ALL APPEALS FROM COURTS INFERIOR
TO THE DISTRICT COURT BE TAKEN TO DISTRICT COURT.

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

SECTION 1. It is proposed to amend Article 6, Section 13
of the constitution of New Mexico to read:

"The district court shall have original jurisdiction in
all matters and causes not excepted in this constitution, and
such jurisdiction of special cases and proceedings as may be
conferred by law, and appellate jurisdiction of ~~all~~ cases
originating in inferior courts and tribunals in their
respective districts ~~and~~ as provided by law. The district
court shall have supervisory control over ~~the same~~ inferior
courts and tribunals in their respective districts. The

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

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

1 district courts, or any judge thereof, shall have power to
2 issue writs of habeas corpus, mandamus, injunction, quo
3 warranto, certiorari, prohibition and all other writs, remedial
4 or otherwise in the exercise of their jurisdiction; provided,
5 that no such writs shall issue directed to judges or courts of
6 equal or superior jurisdiction. The district courts shall also
7 have the power of naturalization in accordance with the laws of
8 the United States. Until otherwise provided by law, at least
9 two terms of the district court shall be held annually in each
10 county, at the county seat."

11 SECTION 2. It is proposed to amend Article 6, Section 27
12 of the constitution of New Mexico to read:

13 "Appeals shall be allowed in all cases from the final
14 judgments and decisions of the probate courts and other
15 [~~inferior~~] courts inferior to the district courts as provided
16 by law, and in all such appeals, trial shall be had de novo
17 unless otherwise provided by law."

18 SECTION 3. The amendment proposed by this resolution
19 shall be submitted to the people for their approval or
20 rejection at the next general election or at any special
21 election prior to that date that may be called for that
22 purpose.