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SENATE BILL 302

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY  
Mimi Stewart

AN ACT

RELATING TO THE JUDICIAL STANDARDS COMMISSION; LIMITING  
JUDICIAL STANDARDS COMMISSION OVERSIGHT TO MATTERS INVOLVING  
THE CONDUCT OR CHARACTER OF JUSTICES, JUDGES OR MAGISTRATES.

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

SECTION 1. Section 34-10-2.1 NMSA 1978 (being Laws 1977,  
Chapter 289, Section 1, as amended) is amended to read:

"34-10-2.1. JUDICIAL STANDARDS COMMISSION--DUTIES--  
SUBPOENA POWER.--

A. Pursuant to the judicial standards commission's  
authority granted by Article 6, Section 32 of the constitution  
of New Mexico, any justice, judge or magistrate of any court  
may be disciplined or removed for willful misconduct in office,  
persistent failure or inability to perform the judge's duties  
or habitual intemperance, or may be retired for a disability

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1 that seriously interferes with the performance of the  
2 justice's, judge's or magistrate's duties and that is, or is  
3 likely to become, of a permanent character. [~~The judicial~~  
4 ~~standards commission is granted the same authority to regulate~~  
5 ~~the conduct and character of court-appointed commissioners,~~  
6 ~~hearing officers, administrative law judges or special masters~~  
7 ~~while acting in a judicial capacity.~~]

8 B. [~~With respect to the officials listed in~~  
9 ~~Subsection A of this section~~] The judicial standards commission  
10 shall:

11 (1) investigate all charges, complaints and  
12 allegations as to a justice's, judge's or magistrate's willful  
13 misconduct in office, persistent failure or inability to  
14 perform official duties or habitual intemperance, if the  
15 commission deems necessary, and hold a hearing on the charges,  
16 complaints or allegations concerning the discipline or removal  
17 of [~~the official~~] that judicial officer;

18 (2) investigate and, if the commission deems  
19 necessary, hold hearings on any charge, complaint or allegation  
20 that [~~an official listed in Subsection A of this section~~] a  
21 justice, judge or magistrate has suffered a disability that is  
22 seriously interfering with the performance of [~~the official's~~]  
23 that judicial officer's duties and that is, or is likely to  
24 become, of a permanent character;

25 (3) if the commission deems it necessary or

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1 convenient, appoint three masters, who are justices or judges  
2 of courts of record, to hear and take evidence in any matter  
3 arising under Paragraph (1) or (2) of this subsection who shall  
4 report their findings to the commission; and

5 (4) after a hearing deemed necessary pursuant  
6 to Paragraph (2) of this subsection or after considering the  
7 record and the findings and report of the masters, if the  
8 commission finds good cause, recommend to the supreme court the  
9 discipline, removal or retirement of the ~~[official]~~ justice,  
10 judge or magistrate.

11 C. In any investigation or hearing held under the  
12 provisions of this section, the commission may administer oaths  
13 and, with the concurrence of a majority of the members of the  
14 commission, petition a district court to subpoena witnesses,  
15 compel their attendance and examine them under oath or  
16 affirmation and require the production of any books, records,  
17 documents or other evidence it may deem relevant or material to  
18 an investigation upon a showing of probable cause."