

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: January 29, 2025

Check all that apply:

Bill Number: HB 144

Original Correction
Amendment Substitute

Sponsor: Rep. Sarah Silva
Rep. Raymundo Lara

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: CHAPARRAL RIDING
CIRCUIT COURT

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: House Bill 144 (“HB144”) appears to amend NMSA 1978, Section 35-1-22 by adding that the two existing Otero County magistrate districts shall on a regularly scheduled basis, “ride circuit” to Chaparral. In context, this may be interpreted to mean that the magistrate judges will be based in Alamogordo but regularly hold judicial proceedings in Chaparral.

FISCAL IMPLICATIONS

NMDOJ attorneys who have any reason to appear in Otero County magistrate court in the Chaparral location could be required to travel to several different locations.

SIGNIFICANT ISSUES

HB144 does not add any new judicial positions; however it does create a new required location for the two existing positions. HB144 would create what is commonly and historically referred to as circuit riding. Circuit riding is where a judge or judiciary would travel between towns within a jurisdiction to hear cases. This practice has been largely discontinued in the United States. It is unclear if this is preferable to creating a new division for Chaparral.

The Administrative Office of the Courts is tasked with providing facilities and financing courts, generally, so likely the bulk of the financial and logistical issues will be related to that office.

A magistrate district is within each county (35-1-2 NMSA 1978) which means that the new location must be within Otero County. Chaparral, New Mexico, is an unincorporated community that is split between Otero and Doña Ana Counties: thus, the new magistrate court location must be located in the Otero County portion to avoid jurisdictional issues.

Chaparral is about 65 miles from Alamogordo, could be a significant distance to travel, both for individuals required to appear in magistrate court and for the judges coming from Alamogordo. Such a distance could bring up potential due process issues. HB144’s proposal of a magistrate presence by circuit riding in Chaparral may not be an efficient use of resources without clearer information on the need for the new location.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 188: HB188 expands the Dona Ana District Magistrate Riding Circuit to include Sundland Park and Chaparral. HB188 is a both a companion and conflicting bill that adds Chaparral to the circuit riding magistrate court of Dona Ana in NMSA 1978, Section 35-1-10. This would create a magistrate court in both Otero and Dona Ana Counties which might not be allowable under NMSA 1978, Section 35-1-2.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A