

<b>LFC Requester:</b>	<b>Chavez, Felix</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 2/4/25 *Check all that apply:*  
**Bill Number:** HB 244 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Charlotte Little **Agency Name and Code** AOC  
**Short Title:** Magistrate Judge Minimum Age **Number:** 218  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB 244 amends Section 35-2-1 NMSA 1978, governing qualifications for magistrate judges, to require that a magistrate be at least 28 years old at the time of an election.

#### **FISCAL IMPLICATIONS**

No fiscal impact to the Judiciary is anticipated if HB 244 is enacted.

#### **SIGNIFICANT ISSUES**

- 1) Currently, under Section 35-2-1 NMSA 1978, a magistrate must meet the following qualifications:
  - a. A qualified elector of, and reside in, the magistrate district for which the magistrate is elected or appointed (Subsection A);
  - b. Have graduated from high school or attained the equivalent of a high school education as indicated by possession of a high school equivalency credential issued by the Public Education Department upon the record made on the high school equivalency test (Subsection B);
  - c. In magistrate districts with a population greater than 200,000, required to be a member of the bar of NM and licensed to practice law in NM (Subsection C); and
  - d. Shall not engage in the private practice of law during tenure in office (Subsection D).
  
- 2) To be eligible to register to vote in NM you must be a U.S. citizen, a New Mexico resident, and at least 18 years old. <https://portal.sos.state.nm.us/ovr/webpages/Eligibility.aspx> . Section 1-1-4 NMSA 1978 provides that as used in the Election Code and rules promulgated by the Secretary of State, “qualified elector” means any resident of NM who is qualified to vote under the U.S. and NM constitutions and includes any qualified resident. Section 1-1-4 NMSA 1978 also provides that, as used in all other statutes and rules of NM, “qualified elector” means a “voter,” as defined in Section 1-1-5 NMSA 1978.
  
- 3) Section 35-2-1(D) NMSA 1978 requires a person to be a member of the bar of NM and licensed to practice law in NM in order to be eligible for appointment to the office of magistrate, in districts with a population greater than 200,000.

There are currently no additional qualifications for a person to be eligible to be appointed a magistrate in a district with a population of 200,000 or less other than the Subsection A requirement of being a qualified elector of, and reside in, the magistrate district for which the magistrate is elected, and the Subsection B requirement that the person be a high school graduate or have attained the equivalent of a high school education.

- 4) HB 244 is fully supported by the Magistrate Judges Association.

- 5) If enacted, HB 244 will not impact any sitting magistrate judges. The youngest current magistrate judge is 30 years old.

#### **PERFORMANCE IMPLICATIONS**

- 1) The updated age requirement for magistrate judges promotes a more experienced, professional, and efficient Magistrate bench.
- 2) Metropolitan Court has an educational and work experience requirement. 34-8A-4 (B) No person shall be eligible for election or appointment to the office of metropolitan judge unless he is a member of the bar of and has practiced in this state for a period of three years. While there is no minimum age limit defined in statute, traditional timeframes for education and ages put the average age of eligibility for a Metro Court judgeship at approximately 28 years of age.

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### **AMENDMENTS**