

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: 02/12/2025

Check all that apply:

Bill Number: HB 352

Original Correction
Amendment Substitute

Sponsor: Rep. Susan K. Herrera
Rep. Joseph Sanchez
Sen. Leo Jaramillo

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

Person Writing

Analysis: Jane A. Bernstein

Short Title: Close & Relocate Certain
Magistrate Courts

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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

HB 352 proposes to modify eight sections of Chapter 35, Article 1 (“Magistrate Court; Establishment; Districts; Election”) of the New Mexico Statutes by closing, adding, relocating, and/or consolidating magistrate courts in the Dona Ana; Grant; Lea; McKinley; Rio Arriba; San Juan; Santa Fe; and Torrance districts, as detailed below.

Section 1 would amend NMSA 1978, § 35-1-10 such that magistrates would regularly ride circuit only to Anthony and no longer to Hatch (Dona Ana).

Effective January 1, 2027, **Section 2** would alter § 35-1-12 by consolidating currently existing courts in Silver City and Bayard into a single court in Silver City (Grant).

Section 3 proposes to change § 35-1-16 by eliminating subsection (A) altogether, thus removing superfluous language as to the number of magistrates in Lea district. This proposal also would provide that instead of regularly riding circuit to Jal and Hobbs as needed, one of the four Lea magistrates would ride circuit as needed to Hobbs only (Lea).

Section 4 would strike from § 35-1-20 the existing requirement that one of McKinley’s three magistrates ride circuit to Thoreau (McKinley).

Effective January 1, 2027, **Section 5** would modify § 35-1-24 so that in addition to riding circuit to Chama, the two Rio Arriba magistrates also newly would ride circuit to Tierra Amarilla as needed (Rio Arriba).

Effective January 1, 2027, **Section 6** would modify § 35-1-27 so that the six magistrate districts in San Juan would operate as a single court in Aztec, rather than be split into two courts in Aztec and Farmington (Rio Arriba).

Section 7 proposes to strike from § 35-1-29 the existing requirement that one of Santa Fe’s four magistrates regularly ride circuit to Pojoaque (Santa Fe).

Section 8 proposes to strike from § 35-1-33 the existing requirement that the lone magistrate in Torrance regularly ride circuit to Estancia (Torrance).

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

1. HB 352 proposes to
 - (a) eliminate circuit riding to Hatch, Jal, Thoreau, Pojoaque, and Estancia;
 - (b) consolidate the Bayard and Silver City magistrate courts into one court in Silver City, and to do likewise so that the Aztec and Farmington courts become a single court in Aztec;
 - (c) mandate circuit riding by Rio Arriba magistrates to Tierra Amarilla as needed.
2. By shuttering some courts and eliminating circuit riding to some towns, it might be argued that proposed HB 352 would decrease New Mexicans' access to the courts, in violation of the First Amendment right to petition the government for redress of grievances. See California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 510 (1972) (recognizing right of access to courts as aspect of First Amendment right to petition government for redress of grievances). At the same time, HB 352 arguably would increase court access by mandating as-needed circuit riding to Tierra Amarilla.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 144 establishes a riding circuit to Chaparral, alternating between the two magistrates in Alamogordo. HB 144 would have a circuit from Otero magistrate district to Chaparral, and HB 352 would have a circuit from Dona Ana magistrate district to Chaparral.

HB 188 expands the seven magistrates in Dona Ana magistrate district to rotate riding circuit to Anthony, Sunland Park, Chaparral and Hatch. This would conflict with HB 352 because HB 352 provides that magistrates would regularly ride circuit only to Anthony and no longer to Hatch.

TECHNICAL ISSUES

None at this time.

OTHER SUBSTANTIVE ISSUES

None at this time.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A