

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 687

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO COURTS; PROVIDING THAT METROPOLITAN COURT IS A COURT
OF RECORD FOR CRIMINAL ACTIONS; AMENDING A SECTION OF THE NMSA
1978.

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

Section 1. Section 34-8A-6 NMSA 1978 (being Laws 1979,
Chapter 346, Section 6, as amended) is amended to read:

"34-8A-6. METROPOLITAN COURT--RULES--APPEAL. --

A. The supreme court shall adopt separate rules of
procedure for the metropolitan courts. The rules shall provide
simple procedures for the just, speedy and inexpensive
determination of any metropolitan court action.

B. The metropolitan court is a court of record for
civil actions. Any party aggrieved by a judgment rendered by
the metropolitan court in a civil action may appeal to the

Underscored material = new
[bracketed material] = delete

1 district court of the county in which the metropolitan court is
2 located within fifteen days after the judgment was rendered.
3 The manner and method for the appeal shall be set forth by
4 supreme court rule.

5 C. The metropolitan court is a court of record for
6 criminal actions [~~involving driving while under the influence of~~
7 ~~intoxicating liquors or drugs or involving domestic violence.~~ A
8 ~~criminal action involving domestic violence means an assault or~~
9 ~~battery under any state law or municipal or county ordinance in~~
10 ~~which the alleged victim is a household member as defined in the~~
11 ~~Family Violence Protection Act]. Any party aggrieved by a
12 judgment rendered by the metropolitan court in a criminal action
13 [~~involving driving while under the influence of intoxicating~~
14 ~~liquors or drugs or involving domestic violence]~~ may appeal to
15 the district court of the county in which the metropolitan court
16 is located within fifteen days after the judgment was rendered.
17 The manner and method of appeal shall be set forth by supreme
18 court rule.~~

19 [~~D. The metropolitan court is not a court of record~~
20 ~~for criminal actions other than driving while under the~~
21 ~~influence of intoxicating liquors or drugs or domestic violence~~
22 ~~actions. Any party aggrieved by a judgment rendered by the~~
23 ~~metropolitan court in a criminal action, other than driving~~
24 ~~while under the influence of intoxicating liquors or drugs or~~
25 ~~domestic violence action, may appeal to the district court of~~

Underscored material = new
[bracketed material] = delete

1 ~~the county in which the metropolitan court is located within~~
2 ~~fifteen days after the judgment was rendered. The appeal shall~~
3 ~~be de novo.~~

4 E.] D. All judgments rendered in civil actions in
5 the metropolitan court shall be subject to the same provisions
6 of law as those rendered in district court."

7 Section 2. EFFECTIVE DATE. -- The effective date of the
8 provisions of this act is July 1, 1997.

9 - 3 -

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25