

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 376

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO MAGISTRATE COURTS; CLARIFYING THE OPERATIONS OF CERTAIN MAGISTRATE DISTRICTS; AUTHORIZING A MAGISTRATE JUDGE TO HEAR CASES IN ANOTHER MAGISTRATE DISTRICT FOR A SPECIFIC PERIOD OF TIME; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 35-1-37 NMSA 1978 (being Laws 1968, Chapter 62, Section 39) is amended to read:

"35-1-37. MAGISTRATE COURT--PRESIDING MAGISTRATE. -- In magistrate districts where two or more divisions operate [~~as a single court~~], the director of the administrative office of the courts shall designate the magistrate of one of the divisions as "presiding magistrate" to perform administrative duties prescribed by regulation of the administrative office."

Section 2. Section 35-3-6 NMSA 1978 (being Laws 1968,

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Chapter 62, Section 51, as amended) is amended to read:

2 "35-3-6. JURISDICTION-- TERRITORIAL LIMITS. --

3 A. The territorial jurisdiction of a magistrate is
4 coextensive with the magistrate district in which he serves.

5 A magistrate also has jurisdiction in any criminal action
6 involving violation of a law relating to motor vehicles
7 arising in any magistrate district adjoining at any point that
8 in which he serves and within magistrate trial jurisdiction;
9 provided that the defendant is entitled to a change of venue
10 to the district where the cause of action arose if he so moves
11 at, or within fifteen days after, arraignment.

12 B. A magistrate has jurisdiction to sit in any
13 action arising in any other magistrate district when
14 designated [~~to hear the action~~] for a specific period of time
15 by any district judge because of the unavailability of a
16 magistrate in that magistrate district. Any magistrate acting
17 in another magistrate district by designation under this
18 subsection shall include the cases heard by designation in his
19 own reports to the administrative office of the courts,
20 indicating on the reports that his jurisdiction is by
21 designation. No costs or fees shall be collected by any court
22 for any filing or proceeding under this subsection.

23 C. In any criminal action in which a magistrate
24 has territorial jurisdiction over the offense pursuant to this
25 section, the magistrate court has personal jurisdiction over

underscored material = new
[bracketed material] = delete

1 the defendant for the purpose of service of process upon the
2 defendant wherever he resides or may be found within the
3 state.

4 D. In any civil action arising within the
5 magistrate's territorial jurisdiction, the magistrate court
6 has personal jurisdiction over the defendant for the purpose
7 of service of process upon the defendant wherever he resides
8 or may be found within the state.

9 E. The territorial limitations of magistrate court
10 jurisdiction shall not apply to actions to enforce judgments
11 entered in the magistrate district and writs issued in aid of
12 those actions. "

13 Section 3. EFFECTIVE DATE. --The effective date of the
14 provisions of this act is July 1, 1999.

1
2 **FORTY-FOURTH LEGISLATURE**
3 **FIRST SESSION, 1999**
4
5
6

7 **February 17, 1999**
8

9
10 **Mr. Speaker:**

11 **Your JUDICIARY COMMITTEE, to whom has been referred**
12

13 **HOUSE BILL 376**
14

15 **has had it under consideration and reports same with**
16 **recommendation that it DO PASS, amended as follows:**

17 **1. On Page 1, lines 20 and 21, remove the brackets**
18 **and the line through "as a single court".**
19

20 **Respectfully submitted,**
21

22
23
24 _____
25 **R. David Pederson, Chairman**

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HB/HJC 376

Page 5

5 Adopted _____ Not Adopted _____

7 (Chi ef Clerk)

(Chi ef Clerk)

9 Date _____

11 The roll call vote was 10 For 0 Against

12 Yes: 10

13 Excused: Luna, Sanchez

14 Absent: None

17 J:\99BillsWP\h0376

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HB/HJC 376

Page 6

2

3

4

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

5

6

7

8

March 14, 1999

9

Mr. President:

10

11

Your JUDICIARY COMMITTEE, to whom has been referred

12

13

HOUSE BILL 376, as amended

14

has had it under consideration and reports same with
recommendation that it DO PASS.

16

17

Respectfully submitted,

18

19

20

21

22

Michael S. Sanchez, Chairman

23

24

25

. 124793. 2

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HB/HJC 376

Page 7

2

Adopted _____ Not

3

Adopted _____

4

(Chief Clerk)

(Chief Clerk)

5

6

7

8

Date _____

9

10

The roll call vote was 5 For 0 Against

11

Yes: 5

12

No: None

13

Excused: Aragon, Davis, Lopez

14

Absent: None

15

16

H0376JU1

17

18

19

20

21

22

23

24

25

. 124793. 2

underscored material = new
[bracketed material] = delete