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HOUSE BILL 30

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

INTRODUCED BY

Henry Kiki Saavedra

AN ACT

RELATING TO COURTS; CREATING AN ADDITIONAL JUDGESHIP IN THE BERNALILLO COUNTY METROPOLITAN COURT; CREATING ADDITIONAL JUDGESHIPS IN THE DONA ANA AND SAN JUAN MAGISTRATE COURTS; PROVIDING FOR ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND PUBLIC DEFENDERS; AMENDING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. Section 34-8A-4.1 NMSA 1978 (being Laws 1981, Chapter 318, Section 2, as amended) is amended to read:

"34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF OFFICE-- ELECTION.--

A. The elected term of office for each judge of the metropolitan court is four years.

~~[B. Judges of the metropolitan court who have been previously elected in a partisan election or who were serving as metropolitan judges on January 1, 1989 in divisions one~~

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1 through twelve shall be subject to retention or rejection on a
2 nonpartisan ballot at the 1990 general election for a four-
3 year term ending December 31, 1994.

4 ~~E.]~~ B. Any person appointed to fill a vacancy on
5 the metropolitan court after January 1, 1989 shall serve until
6 the next general election. That person's successor shall be
7 chosen at that general election and shall hold the office
8 until the general election four years later.

9 ~~[D.]~~ C. Judges of the Bernalillo county
10 metropolitan court for divisions thirteen, fourteen and
11 fifteen shall be appointed and shall serve until the 1992
12 general election. Their successors shall be chosen at that
13 general election and shall hold office until the general
14 election four years later. Additional judges shall be
15 appointed and elected pursuant to Article 6 of the
16 constitution of New Mexico.

17 D. A judge of the Bernalillo county metropolitan
18 court for division sixteen shall be appointed and shall serve
19 until the 2000 general election. His successor shall be
20 chosen at that general election and shall hold office until
21 the general election four years later."

22 Section 2. Section 35-1-10 NMSA 1978 (being Laws 1968,
23 Chapter 62, Section 12, as amended) is amended to read:

24 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There
25 shall be [~~three~~] four magistrates in Dona Ana magistrate

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1 district. Divisions 1, 2, [~~and 3 operating~~] 3 and 4 shall
2 operate as a single court in Las Cruces [~~The magistrates~~] and
3 shall rotate riding circuit to Anthony and Hatch on a
4 regularly scheduled basis."

5 Section 3. Section 35-1-27 NMSA 1978 (being Laws 1968,
6 Chapter 62, Section 29, as amended) is amended to read:

7 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT.--There
8 shall be [~~three~~] four magistrates in San Juan magistrate
9 district, [~~division 1~~] divisions 1 and 4 operating as a single
10 court in Aztec and divisions 2 and 3 operating as a single
11 court in Farmington."

12 Section 4. TEMPORARY PROVISION--MAGISTRATE COURTS--
13 APPOINTMENT--ELECTION.--The additional magistrate judgeships
14 provided for in this act shall be filled by appointment by the
15 governor. The appointed magistrates shall begin serving on
16 July 1, 1999 and shall serve until succeeded by a magistrate
17 elected at the general election in 2000. The elected
18 magistrate's term of office shall begin on January 1, 2001.

19 Section 5. APPROPRIATIONS.--

20 A. The following amounts are appropriated from the
21 general fund to the following entities for expenditure in
22 fiscal year 2000 for the following purposes:

23 (1) two hundred thirty-five thousand dollars
24 (\$235,000) to the Bernalillo county metropolitan court to
25 provide salaries and benefits and furniture, supplies and

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1 office equipment for an additional judgeship and support
2 staff;

3 (2) sixty-six thousand seven hundred dollars
4 (\$66,700) to the metro unit of the office of the district
5 attorney for the second judicial district to provide salaries
6 and benefits for an assistant district attorney and support
7 staff; and

8 (3) one hundred six thousand five hundred
9 dollars (\$106,500) to the public defender department to
10 provide salaries and benefits and furniture, supplies and
11 office equipment for an additional public defender and support
12 staff.

13 B. The following amounts are appropriated from the
14 general fund to the following entities for expenditure in
15 fiscal year 2000 for the following purposes:

16 (1) eighty-one thousand five hundred dollars
17 (\$81,500) to the administrative office of the courts to
18 provide salaries and benefits and furniture, supplies and
19 office equipment for an additional judgeship and support staff
20 in the Dona Ana magistrate district;

21 (2) fifteen thousand dollars (\$15,000) to the
22 office of the district attorney for the third judicial
23 district to contract for legal services; and

24 (3) eighty-three thousand six hundred dollars
25 (\$83,600) to the public defender department to provide

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1 salaries and benefits and furniture, supplies and office
2 equipment for an additional public defender and support staff.

3 C. The following amounts are appropriated from the
4 general fund to the following entities for expenditure in
5 fiscal year 2000 for the following purposes:

6 (1) eighty-one thousand five hundred dollars
7 (\$81,500) to the administrative office of the courts to
8 provide salaries and benefits and furniture, supplies and
9 office equipment for an additional judgeship and support staff
10 in the San Juan magistrate district;

11 (2) sixty-eight thousand nine hundred dollars
12 (\$68,900) to the office of the district attorney for the
13 eleventh judicial district, district attorney division 1, to
14 provide a salary and benefits for an assistant district
15 attorney; and

16 (3) eighty-three thousand six hundred dollars
17 (\$83,600) to the public defender department to provide
18 salaries and benefits and furniture, supplies and office
19 equipment for an additional public defender and support staff.

20 D. Any unexpended or unencumbered balance
21 remaining at the end of fiscal year 2000 shall revert to the
22 general fund.

23 Section 6. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect
25 immediately.

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