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AN ACT

RELATING TO COURTS; REVISING PROCEDURES REGARDING TRANSFER OF JURISDICTION OVER MUNICIPAL ORDINANCES TO THE MAGISTRATE COURT WITH THE AGREEMENT OF THE SUPREME COURT; SPECIFYING CERTAIN COURT-IMPOSED FEES TO BE REMITTED TO THE STATE.

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

SECTION 1. Section 35-14-1 NMSA 1978 (being Laws 1961, Chapter 208, Section 1, as amended) is amended to read:

"35-14-1. MUNICIPAL COURT--CREATION.--

A. Except for municipalities with a population of fewer than two thousand five hundred or more than five thousand persons in the most recent federal decennial census lying within the boundaries of a class A county with a population of more than two hundred thousand persons in the most recent federal decennial census and municipalities that have adopted an effective ordinance pursuant to Subsection D of this section, there is established a municipal court in each incorporated municipality. The municipal courts shall be presided over by municipal judges. As used in Chapter 35, Articles 14 and 15 NMSA 1978, "municipality" includes H class counties.

B. The governing body of a municipality that is not governed by home rule, territorial or special charter and having a population fewer than ten thousand persons in the

1 most recent federal decennial census, where the municipal
2 court is located twenty-five or fewer miles from the nearest
3 magistrate court, may by resolution express its intent to
4 designate the magistrate court of the county in which the
5 municipality is located as the court having jurisdiction over
6 municipal ordinances. Within fifteen days from the adoption
7 of a resolution pursuant to this section, the governing body
8 of the municipality shall create a "municipal ordinance
9 jurisdiction advisory committee". The municipal ordinance
10 jurisdiction advisory committee shall be composed of the
11 following members, who shall be residents of the
12 municipality:

- 13 (1) the mayor;
- 14 (2) a member of the governing body;
- 15 (3) a municipal judge;
- 16 (4) the chief of police; and
- 17 (5) three members of the public, each

18 selected by the mayor, the governing body and the municipal
19 judge.

20 C. A municipal ordinance jurisdiction advisory
21 committee shall:

- 22 (1) hold at least one public hearing on the
23 question of designating the magistrate court of the county in
24 which the municipality is located as the court having
25 jurisdiction over municipal ordinances;

1 (2) hear testimony from all interested
2 persons, including the mayor, the governing body and the
3 municipal judge; and

4 (3) submit a report, including
5 recommendations directly to the governing body of the
6 municipality, with copies to the mayor and municipal judge.

7 D. Following receipt of a report from the
8 municipal ordinance jurisdiction advisory committee, the
9 governing body of a municipality may, subject to approval by
10 the supreme court, adopt an ordinance upon a three-fourths'
11 majority vote to designate the magistrate court of the county
12 in which the municipality is located as the court having
13 jurisdiction over municipal ordinances. An ordinance adopted
14 shall become effective only upon supreme court approval and
15 the expiration of the term of the municipal judge in office
16 on the date of the supreme court's approval of the ordinance.

17 E. Within five days after the effective date of an
18 ordinance adopted pursuant to Subsection D of this section,
19 the governing body of the municipality shall:

20 (1) forward a copy of the ordinance to the
21 magistrate court and to the administrative office of the
22 courts; and

23 (2) provide to the magistrate court copies
24 of all municipal ordinances over which the magistrate court
25 will have jurisdiction.

1 F. A magistrate court designated pursuant to
2 Subsection D of this section shall, with respect to
3 ordinances of the municipality:

4 (1) follow the rules of procedure for the
5 municipal courts and the procedures provided by Chapter 35,
6 Article 15 NMSA 1978;

7 (2) impose no fine or sentence greater than
8 that permitted for municipalities;

9 (3) remit monthly to the state the court
10 automation and judicial education fees collected pursuant to
11 Subsection B of Section 35-14-11 NMSA 1978 as a result of
12 enforcement of municipal ordinances; and

13 (4) remit monthly to the municipality the
14 corrections fee collected pursuant to Subsection B of Section
15 35-14-11 NMSA 1978 as a result of the enforcement of
16 municipal ordinances.

17 G. Any municipality that has passed an ordinance
18 designating the magistrate court of the county in which the
19 municipality is located as the court having jurisdiction over
20 municipal ordinances may re-establish the municipal court as
21 the court having jurisdiction over municipal ordinances
22 through the following procedures:

23 (1) the governing body of the municipality
24 may pass an ordinance rescinding the designation that was
25 made pursuant to Subsection B of this section; or

1 (2) following receipt of a petition signed
2 by at least twenty percent of the registered voters who voted
3 in the last municipal election for the office of mayor:

4 (a) convene a municipal ordinance
5 jurisdiction advisory committee pursuant to Subsection B of
6 this section that shall make a report and recommendation, if
7 any, to the governing body of the municipality; and

8 (b) the governing body shall indicate
9 its assent to re-establishment of the municipal court by
10 ordinance." _____

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