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AN ACT

RELATING TO THE JUDICIAL STANDARDS COMMISSION; LIMITING
JUDICIAL STANDARDS COMMISSION OVERSIGHT TO MATTERS INVOLVING
THE CONDUCT OR CHARACTER OF JUSTICES, JUDGES OR MAGISTRATES.

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

SECTION 1. Section 34-10-2.1 NMSA 1978 (being Laws
1977, Chapter 289, Section 1, as amended) is amended to read:

"34-10-2.1. JUDICIAL STANDARDS COMMISSION--DUTIES--
SUBPOENA POWER.--

A. Pursuant to the judicial standards commission's
authority granted by Article 6, Section 32 of the
constitution of New Mexico, any justice, judge or magistrate
of any court may be disciplined or removed for willful
misconduct in office, persistent failure or inability to
perform the judge's duties or habitual intemperance, or may
be retired for a disability that seriously interferes with
the performance of the justice's, judge's or magistrate's
duties and that is, or is likely to become, of a permanent
character.

B. The judicial standards commission shall:

(1) investigate all charges, complaints and
allegations as to a justice's, judge's or magistrate's
willful misconduct in office, persistent failure or inability
to perform official duties or habitual intemperance, if the

1 commission deems necessary, and hold a hearing on the
2 charges, complaints or allegations concerning the discipline
3 or removal of that judicial officer;

4 (2) investigate and, if the commission deems
5 necessary, hold hearings on any charge, complaint or
6 allegation that a justice, judge or magistrate has suffered a
7 disability that is seriously interfering with the performance
8 of that judicial officer's duties and that is, or is likely
9 to become, of a permanent character;

10 (3) if the commission deems it necessary or
11 convenient, appoint three masters, who are justices or judges
12 of courts of record, to hear and take evidence in any matter
13 arising under Paragraph (1) or (2) of this subsection who
14 shall report their findings to the commission; and

15 (4) after a hearing deemed necessary
16 pursuant to Paragraph (2) of this subsection or after
17 considering the record and the findings and report of the
18 masters, if the commission finds good cause, recommend to the
19 supreme court the discipline, removal or retirement of the
20 justice, judge or magistrate.

21 C. In any investigation or hearing held under the
22 provisions of this section, the commission may administer
23 oaths and, with the concurrence of a majority of the members
24 of the commission, petition a district court to subpoena
25 witnesses, compel their attendance and examine them under oath

1 or affirmation and require the production of any books,
2 records, documents or other evidence it may deem relevant or
3 material to an investigation upon a showing of probable
4 cause." _____

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