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_____ BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURTS; AUTHORIZING MUNICIPALITIES OF ANY SIZE TO
TRANSFER JURISDICTION OF MUNICIPAL COURTS TO THE MAGISTRATE
COURT WITH THE AGREEMENT OF THE SUPREME COURT.

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
[~~less~~] fewer than two thousand five hundred or more than five
thousand persons in the [~~1980~~] 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
[~~last~~] most recent federal decennial census and municipalities
[~~which~~] that have adopted an effective ordinance pursuant to

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 Subsection B of this section, there is established a municipal
2 court in each incorporated municipality. The municipal courts
3 shall be presided over by municipal judges. As used in Chapter
4 35, Articles 14 and 15 NMSA 1978, "municipality" includes H
5 class counties.

6 B. The governing body of a municipality [~~with a~~
7 ~~population of one thousand five hundred persons or less in the~~
8 ~~last federal decennial census~~] may designate the magistrate
9 court of the county in which the municipality is located as the
10 court having jurisdiction over municipal ordinances upon
11 agreement between the supreme court and the municipality. The
12 designation shall be by adopted ordinance [~~which~~] that shall
13 not be effective until the expiration of the term of any
14 incumbent municipal judge. Within five days after the
15 effective date of the ordinance, the governing body of the
16 municipality shall:

17 (1) forward a copy of the ordinance to the
18 magistrate court and to the administrative office of the
19 courts; and

20 (2) provide to the magistrate court copies of
21 all municipal ordinances over which the magistrate court will
22 have jurisdiction.

23 C. A magistrate court designated pursuant to
24 Subsection B of this section shall, with respect to ordinances
25 of the municipality:

.211187.2SA

underscoring material = new
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(1) follow the rules of procedure for the
municipal courts and the procedures provided by Chapter 35,
Article 15 NMSA 1978;

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

(3) remit monthly to the state all funds
collected as a result of enforcement of municipal ordinances."