

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 859

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR TWO ADDITIONAL BERNALILLO COUNTY METROPOLITAN
COURT JUDGES; PROVIDING FOR APPOINTMENT AND ELECTION; PROVIDING
ADDITIONAL CLERKS FOR CERTAIN MAGISTRATE COURTS; MAKING
APPROPRIATIONS.

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. Any person appointed to fill a vacancy on the

metropolitan court after January 1, 1989 shall serve until the next general election. That person's successor shall be chosen at that general election and shall hold the office until the general election four years later.

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

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

Section 2. Section 34-8A-8 NMSA 1978 (being Laws 1979, Chapter 346, Section 8, as amended) is amended to read:

"34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT. --

A. The name of the metropolitan court in the Bernalillo metropolitan district shall be the "Bernalillo county metropolitan court".

B. The metropolitan court is an agency of the judicial department of state government. Personnel of the

1 metropolitan court are subject to all laws and regulations
2 applicable to state officers and agencies and state officers
3 and employees, except where otherwise specifically provided by
4 law.

5 C. A judge of the Bernalillo county metropolitan
6 court for division seventeen shall be appointed and shall serve
7 until the 2002 general election. His successor shall be chosen
8 at that general election and shall hold office until the
9 general election four years later.

10 D. A judge of the Bernalillo county metropolitan
11 court for division eighteen shall be appointed and shall serve
12 until the 2002 general election. His successor shall be chosen
13 at that general election and shall hold office until the
14 general election four years later."

15 Section 3. TEMPORARY PROVISION--BERNALILLO COUNTY
16 METROPOLITAN COURT JUDGESHI PS--APPOINTMENT. --

17 A. The additional Bernalillo county metropolitan
18 court judgeships provided for in this act shall be filled by
19 appointment by the governor pursuant to Article 6 of the
20 constitution of New Mexico for a term beginning July 1, 2001.

21 B. The chief judge of the Bernalillo county
22 metropolitan court shall assign domestic violence cases among
23 the judges in a manner to ensure that those cases are heard as
24 quickly as possible.
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Section 4. APPROPRIATIONS. --

A. The following amounts are appropriated from the general fund to the following court agencies for expenditure in fiscal year 2002 for the following purposes:

(1) two hundred fifty-eight thousand two hundred dollars (\$258,200) to the Bernalillo county metropolitan court to provide salaries and benefits and furniture, supplies and equipment for a judge and support staff in division seventeen;

(2) two hundred fifty-eight thousand two hundred dollars (\$258,200) to the Bernalillo county metropolitan court to provide salaries and benefits and furniture, supplies and equipment for a judge and support staff in division eighteen;

(3) one hundred fifty-six thousand five hundred dollars (\$156,500) to the second judicial district attorney to provide salaries and benefits and furniture, supplies and equipment for additional staff due to increased metropolitan court workload; and

(4) three hundred eight thousand eight hundred dollars (\$308,800) to the public defender department to provide salaries and benefits and furniture, supplies and equipment for additional public defender attorneys and support staff due to increased metropolitan court workload.

1 B. Any unexpended or unencumbered balance remaining
2 at the end of fiscal year 2002 shall revert to the general
3 fund.

4 Section 5. APPROPRIATION. --

5 A. Two hundred forty thousand dollars (\$240,000) is
6 appropriated from the general fund to the administrative office
7 of the courts for expenditure in fiscal year 2002 to pay for
8 salaries and benefits, supplies, furniture and office equipment
9 for:

10 (1) one additional clerk in the Chaves
11 magistrate district;

12 (2) one additional clerk in the San Juan
13 magistrate district, for division one;

14 (3) one additional clerk in the Otero
15 magistrate district;

16 (4) one and one-half additional clerks in the
17 San Miguel magistrate district, for division one;

18 (5) one and one-half additional clerks in the
19 Quay magistrate district;

20 (6) four additional clerks in the Dona Ana
21 magistrate district, for division one;

22 (7) one-half additional clerk in the Luna
23 magistrate district;

24 (8) one-half additional clerk in the Hidalgo
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magistrate district;

(9) one-half additional clerk in the Lincoln
magistrate district, for division two; and

(10) one additional clerk in the Santa Fe
magistrate district, for division one.

B. Any unexpended or unencumbered balance remaining
at the end of fiscal year 2002 shall revert to the general
fund.

Section 6. EFFECTIVE DATE. --The effective date of the
provisions of this act is July 1, 2001.

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underscored material = new
[bracketed material] = delete