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SENATE BILL 94

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

INTRODUCED BY

Lidio G. Rainaldi

AN ACT

RELATING TO COURTS; INCREASING THE NUMBER OF MAGISTRATE JUDGES  
IN CHAVES AND SAN JUAN MAGISTRATE DISTRICTS; PROVIDING FOR  
ADDITIONAL DISTRICT ATTORNEY AND PUBLIC DEFENDER NEEDS DUE TO  
INCREASED JUDGESHIPS; MAKING APPROPRIATIONS; DECLARING AN  
EMERGENCY.

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

Section 1. Section 35-1-6 NMSA 1978 (being Laws 1968,  
Chapter 62, Section 8, as amended) is amended to read:

"35-1-6. MAGISTRATE COURT--CHAVES DISTRICT.--

A. There shall be ~~[two]~~ three magistrates in  
Chaves magistrate district, divisions 1, ~~[and]~~ 2 and 3  
operating as a single court in Roswell.

B. Magistrate judges shall not be elected at large  
from the district, but shall be elected by the voters of the  
division for which the magistrate sits. Magistrate judges  
shall reside in their division and have districtwide  
jurisdiction. The composition of the divisions for elections  
and residency purposes is:

underscored material = new  
[bracketed material] = delete

1                   (1) division 1 is composed of Chaves county  
2 precincts 14 through 16, 25, 51, 52, 62, 63, 71, 73, 91 and  
3 101 through 104;

4                   (2) division 2 is composed of Chaves county  
5 precincts 21, 22, 24, 31 through 35, 61, 72, 81 through 85,  
6 90, 92 and 93; and

7                   (3) division 3 is composed of Chaves county  
8 precincts 1 through 7, 9 through 13, 23, 36 and 41 through  
9 43."

10                   Section 2. Section 35-1-27 NMSA 1978 (being Laws 1968,  
11 Chapter 62, Section 29, as amended) is amended to read:

12                   "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION  
13 DIVISION PRECINCTS.--

14                   A. There shall be [~~four~~] five magistrate divisions  
15 in San Juan magistrate district, each division having its own  
16 magistrate. Divisions 1 and 4 shall operate as a single court  
17 in Aztec and divisions 2, [~~and~~] 3 and 5 shall operate as a  
18 single court in Farmington.

19                   B. Magistrate judges shall not be elected at large  
20 from the district, but shall be elected by the voters of the  
21 division for which the magistrate sits. Magistrate judges may  
22 reside anywhere within the magistrate district and shall have  
23 districtwide jurisdiction. The composition of the divisions  
24 for elections purposes is:

25                   (1) division 1 is composed of San Juan county  
precincts [~~47, 59 through 70 and 72 through 76~~] 1 through 10,  
13 through 16 and 18;

                  (2) division 2 is composed of San Juan county  
precincts [~~2 through 4, 8 through 14, 18, 28 through 31 and~~

underscored material = new  
[bracketed material] = delete

1 ~~82]~~ 56, 57, 70 through 72, 79 and 81 through 86;

2 (3) division 3 is composed of San Juan county  
3 precincts [~~20 through 27, 40 through 46, 49, 51, 52 and 54;~~  
4 ~~and]~~ 59 through 69 and 73 through 76;

5 (4) division 4 is composed of San Juan county  
6 precincts [~~1, 5 through 7, 15, 16, 19, 53, 55 through 58, 71,~~  
7 ~~79, 81 and 83 through 86]~~ 20, 22 through 25, 40 through 47 and  
8 49; and

9 (5) division 5 is composed of San Juan county  
10 precincts 11, 12, 19, 21, 26 through 31, 51 through 55 and  
11 58."

12 Section 3. TEMPORARY PROVISION--MAGISTRATE JUDGES--  
13 APPOINTMENT AND ELECTION.--The additional Chaves and San Juan  
14 magistrate divisions provided for in this act shall be filled  
15 by appointment by the governor. The appointed magistrates  
16 shall serve until succeeded by magistrates elected at the  
17 general election in 2002. The elected magistrates' terms of  
18 office shall begin on January 1, 2003.

19 Section 4. APPROPRIATIONS.--

20 A. The following amounts are appropriated from the  
21 general fund to the following agencies for expenditure in  
22 fiscal years 2002 and 2003 for costs associated with the  
23 additional magistrate judge in Chaves magistrate district:

24 (1) ninety-nine thousand one hundred ten  
25 dollars (\$99,110) to the administrative office of the courts  
to provide salaries and benefits and furniture, supplies and  
equipment for one additional magistrate in the Chaves  
magistrate district;

(2) seventy-eight thousand six hundred sixty-

1 five dollars (\$78,665) to the fifth judicial district attorney  
2 to provide salaries and benefits and furniture, supplies and  
3 equipment for additional staff due to the increased workload  
4 in the Chaves magistrate court; and

5 (3) ninety-eight thousand dollars (\$98,000)  
6 to the public defender department to provide salaries and  
7 benefits and furniture, supplies and equipment for additional  
8 public defender attorneys and support staff and to provide for  
9 costs of contract and conflict counsel due to the increased  
10 workload in the Chaves magistrate court.

11 B. The following amounts are appropriated from the  
12 general fund to the following agencies for expenditure in  
13 fiscal years 2002 and 2003 for costs associated with the  
14 additional magistrate judge in San Juan magistrate district:

15 (1) ninety-nine thousand one hundred ten  
16 dollars (\$99,110) to the administrative office of the courts  
17 to provide salaries and benefits and furniture, supplies and  
18 equipment for one additional magistrate in the San Juan  
19 magistrate district;

20 (2) seventy-eight thousand six hundred sixty-  
21 five dollars (\$78,665) to the eleventh judicial district  
22 attorney to provide salaries and benefits and furniture,  
23 supplies and equipment for additional staff due to the  
24 increased workload in the San Juan magistrate court; and

25 (3) one hundred thousand dollars (\$100,000)  
to the public defender department to provide salaries and  
benefits and furniture, supplies and equipment for additional  
public defender attorneys and support staff and to provide for  
costs of contract and conflict counsel due to the increased

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

1 workload in the San Juan magistrate court.

2 C. Any unexpended or unencumbered balance  
3 remaining from any of the appropriations in this section at  
4 the end of fiscal year 2003 shall revert to the general fund.

5 Section 5. EMERGENCY.--It is necessary for the public  
6 peace, health and safety that this act take effect  
7 immediately.

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