

AN ACT

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RELATING TO THE COURTS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978 REGARDING VENUE IN THE COURTS; DECLARING AN EMERGENCY.

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

Section 1. Section 38-3-3 NMSA 1978 (being Laws 1929, Chapter 60, Section 1, as amended) is amended to read:

"38-3-3. CHANGE OF VENUE IN CIVIL AND CRIMINAL CASES.--The venue in all civil and criminal cases shall be changed, upon motion, to another county free from exception:

A. whenever the judge is interested in the result of the case or is related to or has been counsel for any of the parties; or

B. when the party moving for a change files in the case an affidavit of himself, his agent or attorney, that he believes he cannot obtain a fair trial in the county in which the case is pending because:

(1) the adverse party has undue influence over the minds of the inhabitants of the county;

(2) the inhabitants of the county are prejudiced against the party;

(3) of public excitement or local prejudice in the county in regard to the case or the questions involved in the case, an impartial jury cannot be obtained in the county to try the case; or

(4) of any other cause stated in the affidavit."

Section 2. REPEAL.--Section 38-3-8 NMSA 1978 (being Laws 1889, Chapter

77, Section 4, as amended) is repealed.

~~Section~~ 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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