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HOUSE BILL 858

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Al Park

AN ACT

RELATING TO MAGISTRATES; INCREASING QUALIFICATIONS FOR OFFICE.

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

Section 1. Section 35-2-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 41, as amended) is amended to read:

"35-2-1. QUALIFICATION-- PERSONAL QUALIFICATIONS. -- Each magistrate shall be a qualified elector of, and reside in, the magistrate district for which he is elected or appointed. No person is eligible for election or appointment to the office of magistrate unless he has graduated from ~~[high school or has attained the equivalent of a high school education as indicated by possession of a certificate of equivalency issued by the state department of public education based upon the record made on the general educational development test]~~ a four-year post-secondary educational institution. In magistrate districts

underscored material = new
[bracketed material] = delete

underscored material = new
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1 with a population of more than two hundred thousand persons in
2 the last federal decennial census, no person is eligible for
3 election or appointment to the office of magistrate unless he
4 is a member of the bar of this state and licensed to practice
5 law in this state, but he shall not engage in the private
6 practice of law during his tenure in office. "

7 Section 2. TEMPORARY PROVISION--GRANDFATHER CLAUSE.--The
8 increased qualification for magistrates required by this 2003
9 act shall not apply to magistrates holding office on January 1,
10 2003.