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SENATE BILL 143

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

INTRODUCED BY

Manny M. Aragon

FOR THE JUDICIAL SYSTEM STUDY COMMITTEE

AN ACT

RELATING TO COURTS; INCREASING THE NUMBER OF JUDGES IN CERTAIN  
JUDICIAL DISTRICTS AND MAGISTRATE AND METROPOLITAN COURTS;  
ELIMINATING CERTAIN MAGISTRATE COURTS AND JUDGESHIPS;  
INCREASING THE NUMBER OF JUDGES IN CERTAIN MAGISTRATE  
DISTRICTS; PROVIDING FOR THE REALLOCATION OF JUDICIAL  
RESOURCES; PROVIDING ADDITIONAL RESOURCES FOR THE PUBLIC  
DEFENDER DEPARTMENT AND DISTRICT ATTORNEYS AFFECTED BY  
ADDITIONAL JUDGES; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-6 NMSA 1978 (being Laws 1968,  
Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT. --There shall be  
[~~six~~] seven district judges in the third judicial district."

Section 2. Section 34-6-9 NMSA 1978 (being Laws 1968,

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1 Chapter 69, Section 12, as amended) is amended to read:

2 "34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall be  
3 [~~two~~] three district judges in the sixth judicial district.  
4 The judge of division 1 shall reside and maintain his principal  
5 office in Grant county."

6 Section 3. Section 34-6-12 NMSA 1978 (being Laws 1968,  
7 Chapter 69, Section 15, as amended) is amended to read:

8 "34-6-12. JUDGES--NINTH JUDICIAL DISTRICT.--There shall  
9 be [~~three~~] four district judges in the ninth judicial district.  
10 The judge of division three shall reside in Curry or Roosevelt  
11 county and maintain his principal office in Roosevelt county.  
12 As used in this section, "maintain his principal office" means  
13 holding court or being available to hold court no less than one  
14 hundred forty days during each calendar year."

15 Section 4. Section 34-6-14 NMSA 1978 (being Laws 1968,  
16 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,  
17 Section 3 and also by Laws 1995, Chapter 179, Section 1) is  
18 amended to read:

19 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There  
20 shall be [~~six~~] eight district judges in the eleventh judicial  
21 district. The judges of divisions one, three, four, [~~and~~] six  
22 and seven shall reside and maintain their principal offices in  
23 San Juan county. The judges of divisions two, [~~and~~] five and  
24 eight shall reside and maintain their principal offices in  
25 McKinley county."

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1 Section 5. Section 34-6-16 NMSA 1978 (being Laws 1971,  
2 Chapter 52, Section 3, as amended) is amended to read:

3 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT. --There  
4 shall be [~~five~~] seven district judges in the thirteenth  
5 judicial district. The judges of divisions one, [~~and~~] three  
6 and six shall reside and maintain their principal offices in  
7 Valencia county. The judges of divisions two, [~~and~~] five and  
8 seven shall reside and maintain their principal offices in  
9 Sandoval county. The judge of division four shall reside and  
10 maintain his principal office] offices in Cibola county. "

11 Section 6. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,  
12 Chapter 318, Section 2, as amended) is amended to read:

13 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF  
14 OFFICE--ELECTION. --

15 A. The [~~elected~~] term of office for each judge of  
16 the metropolitan court is four years. Judges shall be  
17 appointed, elected and retained in accordance with Article 6 of  
18 the constitution of New Mexico.

19 B. [~~Any~~] A person appointed to fill a vacancy on  
20 the metropolitan court after January 1, 1989 shall serve until  
21 the next general election. That person's successor shall be  
22 chosen at that general election and shall hold the office until  
23 the general election four years later.

24 [~~C. Judges of the Bernalillo county metropolitan~~  
25 ~~court for divisions thirteen, fourteen and fifteen shall be~~

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1 ~~appointed and shall serve until the 1992 general election.~~  
2 ~~Their successors shall be chosen at that general election and~~  
3 ~~shall hold office until the general election four years later.~~  
4 ~~Additional judges shall be appointed and elected pursuant to~~  
5 ~~Article 6 of the constitution of New Mexico.~~

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

11 Section 7. Section 34-8A-8 NMSA 1978 (being Laws 1979,  
12 Chapter 346, Section 8, as amended) is amended to read:

13 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

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

17 B. The metropolitan court is an agency of the  
18 judicial department of state government. Personnel of the  
19 metropolitan court are subject to all laws and [regulations]  
20 rules applicable to state officers and agencies and state  
21 officers and employees, except where otherwise specifically  
22 provided by law.

23 C. There shall be twenty judges of the Bernalillo  
24 county metropolitan court."

25 Section 8. Section 35-1-7 NMSA 1978 (being Laws 1968,

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1 Chapter 62, Section 9, as amended) is amended to read:

2 "35-1-7. MAGISTRATE COURT--COLFAX DISTRICT.--There shall  
3 be [~~two magistrates~~] one magistrate in Colfax magistrate  
4 district [~~division 1~~] whose principal court is in Raton [~~and~~  
5 ~~division 2 in~~]. The magistrate shall ride circuit to Springer  
6 [~~The magistrates shall ride circuit to Cimarron~~] on a regularly  
7 scheduled basis. "

8 Section 9. Section 35-1-10 NMSA 1978 (being Laws 1968,  
9 Chapter 62, Section 12, as amended) is amended to read:

10 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There  
11 shall be [~~five~~] six magistrates in Dona Ana magistrate  
12 district. Divisions 1, 2, 3, 4, [~~and~~] 5 and 6 shall operate as  
13 a single court in Las Cruces and shall rotate riding circuit to  
14 Anthony and Hatch on a regularly scheduled basis. "

15 Section 10. Section 35-1-11 NMSA 1978 (being Laws 1968,  
16 Chapter 62, Section 13, as amended) is amended to read:

17 "35-1-11. MAGISTRATE COURT--EDDY DISTRICT.--

18 A. There shall be [~~three~~] two magistrates in Eddy  
19 magistrate district, divisions 1 and 2 operating as a single  
20 court in Carlsbad [~~operating as a single court and division 3~~  
21 ~~in~~]. A magistrate shall ride circuit to Artesia on a regularly  
22 scheduled basis.

23 B. Magistrate judges shall not be elected at-large  
24 from the district, but shall be elected by the voters of the  
25 division for which the magistrate sits. Magistrate judges

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1 shall reside in their divisions but shall have district-wide  
2 jurisdiction. The composition of the divisions for election  
3 and residence purposes is as follows:

4 (1) division 1 is composed of Eddy county  
5 precincts 9 through 16 and 31 through 33; and

6 (2) division 2 is composed of Eddy county  
7 precincts 1 through 8, 17 through 21, 23, 25 through 30 and 34  
8 through 45. "

9 Section 11. Section 35-1-12 NMSA 1978 (being Laws 1968,  
10 Chapter 62, Section 14) is amended to read:

11 "35-1-12. MAGISTRATE COURT--GRANT DISTRICT.--There shall  
12 be two magistrates in Grant magistrate district, [~~division 1~~]  
13 divisions 1 and 2 operating as a single court in Silver City  
14 [~~and division 2 in Bayard~~]. "

15 Section 12. Section 35-1-13 NMSA 1978 (being Laws 1968,  
16 Chapter 62, Section 15, as amended) is amended to read:

17 "35-1-13. MAGISTRATE COURT--GUADALUPE DISTRICT.--There  
18 shall be one magistrate in Guadalupe magistrate district [~~whose~~  
19 ~~principal~~] with a court [is] in Santa Rosa. [~~The magistrate~~  
20 ~~shall ride circuit to Vaughn on a regularly scheduled basis.~~]"

21 Section 13. Section 35-1-16 NMSA 1978 (being Laws 1968,  
22 Chapter 62, Section 18, as amended) is amended to read:

23 "35-1-16. MAGISTRATE COURT--LEA DISTRICT.--

24 A. There shall be [~~five~~] three magistrates in Lea  
25 magistrate district, division 1 in Lovington and divisions 2

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1 and [5] 3 operating as a single court in Hobbs [~~division 3 in~~  
2 ~~Eunice and division 4 in Tatum. The division 3 magistrate~~  
3 ~~shall ride circuit to Jal on a regularly scheduled basis and~~  
4 ~~shall ride circuit to Hobbs as needed~~].

5 B. Magistrate judges shall not be elected at-large  
6 from the district, but shall be elected by the voters of the  
7 division for which the magistrate sits. Magistrate judges  
8 shall reside in their divisions but shall have district-wide  
9 jurisdiction. The composition of the divisions for elections  
10 and residence purposes is as follows:

11 (1) division 1 is composed of Lea county  
12 precincts 2, 3, 10 through 18, 20 through 24, 26 and 30;

13 (2) division 2 is composed of Lea county  
14 precincts 35, 51 through 55 and 61; and

15 (3) division 3 is composed of Lea county  
16 precincts 25, 27 through 29, 31 through 34, 36, 41 through 44,  
17 62 and 71 through 74. "

18 Section 14. Section 35-1-17 NMSA 1978 (being Laws 1968,  
19 Chapter 62, Section 19, as amended) is amended to read:

20 "35-1-17. MAGISTRATE COURT--LINCOLN DISTRICT. --There  
21 shall be [~~two magistrates~~] one magistrate in Lincoln magistrate  
22 district [~~division 1 in Carrizozo and division 2~~] whose  
23 principal court is in Ruidoso. The magistrate shall ride  
24 circuit to Carrizozo on a regularly scheduled basis."

25 Section 15. Section 35-1-20 NMSA 1978 (being Laws 1968,

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1 Chapter 62, Section 22, as amended) is amended to read:

2 "35-1-20. MAGISTRATE COURT--MCKINLEY DISTRICT.--There  
3 shall be three magistrates in McKinley magistrate district,  
4 divisions 1, [~~and~~] 2 and 3 operating as a single court in  
5 Gallup [~~and division 3 in Thoreau~~]."

6 Section 16. Section 35-1-23 NMSA 1978 (being Laws 1968,  
7 Chapter 62, Section 25, as amended) is amended to read:

8 "35-1-23. MAGISTRATE COURT--QUAY DISTRICT.--There shall  
9 be one magistrate in Quay magistrate district [~~whose principal~~]  
10 with a court [is] in Tucumcari. [~~The magistrate shall ride~~  
11 ~~circuit to San Jon on a regularly scheduled basis.~~]"

12 Section 17. Section 35-1-27 NMSA 1978 (being Laws 1968,  
13 Chapter 62, Section 29, as amended) is amended to read:

14 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION  
15 DIVISION PRECINCTS.--

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

21 B. Magistrate judges shall not be elected at large  
22 from the district, but shall be elected by the voters of the  
23 division for which the magistrate sits. Magistrate judges may  
24 reside anywhere within the magistrate district and shall have  
25 district-wide jurisdiction. The composition of the divisions



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1 for elections purposes is:

2 (1) division 1 is composed of San Juan county  
3 precincts [~~47, 59 through 70 and 72 through 76~~] 60 through 69  
4 and 72 through 76;

5 (2) division 2 is composed of San Juan county  
6 precincts [~~2 through 4, 8 through 14, 18, 28 through 31 and 82~~]  
7 2 through 4, 8 through 14, 18, 19 and 82;

8 (3) division 3 is composed of San Juan county  
9 precincts [~~20 through 27, 40 through 46, 49, 51, 52 and 54~~] 20,  
10 22 through 25, 27, 30, 40 through 44, 46, 47 and 49; [~~and~~]

11 (4) division 4 is composed of San Juan county  
12 precincts [~~1, 5 through 7, 15, 16, 19, 53, 55 through 58, 71,~~  
13 ~~79, 81 and 83 through 86~~] 1, 5 through 7, 15, 16, 53, 57, 58,  
14 71, 79, 81 and 83 through 86; and

15 (5) division 5 is composed of San Juan county  
16 precincts 21, 26, 28, 29, 31, 45, 51, 52, 54 through 56, 59 and  
17 70. "

18 Section 18. Section 35-1-29 NMSA 1978 (being Laws 1968,  
19 Chapter 62, Section 31, as amended) is amended to read:

20 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There  
21 shall be [~~three~~] four magistrates in the Santa Fe magistrate  
22 district [~~divisions 1, 2 and 3~~] operating as a single court in  
23 Santa Fe [~~however, one magistrate shall ride circuit to~~  
24 ~~Pojoaque on a regularly scheduled basis~~]. "

25 Section 19. Section 35-1-32 NMSA 1978 (being Laws 1968,

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1 Chapter 62, Section 34, as amended) is amended to read:

2 "35-1-32. MAGISTRATE COURT--TAOS DISTRICT.--There shall  
3 be [~~two magistrates~~] one magistrate in Taos magistrate district  
4 [~~divisions 1 and 2 operating as a single~~] with a court in Taos.  
5 [~~The magistrates shall rotate riding circuit to Questa on a~~  
6 ~~regularly scheduled basis.~~]"

7 Section 20. Section 35-1-33 NMSA 1978 (being Laws 1968,  
8 Chapter 62, Section 35, as amended) is amended to read:

9 "35-1-33. MAGISTRATE COURT--TORRANCE DISTRICT.--There  
10 shall be one magistrate in Torrance magistrate district [~~whose~~  
11 ~~principal~~] with a court [~~is~~] in Moriarty. [~~The magistrate~~  
12 ~~shall ride circuit to Estancia on a regularly scheduled~~  
13 ~~basis.~~]"

14 Section 21. TEMPORARY PROVISION--COURT CLOSURES--CLERK  
15 POSITIONS--OTHER RESOURCES.--The magistrate court clerk  
16 positions assigned to the magistrate courts shall not be  
17 decreased as a result of this act, but the administrative  
18 office of the courts shall reassign positions from the  
19 abolished courts to other magistrate courts. The  
20 administrative office of the courts shall reassign other  
21 resources, including furniture, equipment and supplies, to  
22 other magistrate courts as needed.

23 Section 22. TEMPORARY PROVISION--DISTRICT AND  
24 METROPOLITAN JUDGESHI PS--APPOINTMENTS.--The additional district  
25 and metropolitan judgeships provided for in this act shall be

1 filled by appointment by the governor pursuant to the  
2 provisions of Article 6 of the constitution of New Mexico.

3 Section 23. TEMPORARY PROVISION--MAGISTRATE COURTS--  
4 APPOINTMENTS AND ELECTION. --

5 A. The offices of magistrate in Dona Ana division  
6 6, San Juan division 5 and Santa Fe division 4 shall be filled  
7 by appointments by the governor to begin serving on July 1,  
8 2003. The appointed magistrates shall serve until succeeded by  
9 magistrates elected at the general election in 2004 to fill the  
10 unexpired term ending December 31, 2006.

11 B. The first full term of office of magistrate in  
12 Dona Ana division 6, San Juan division 5 and Santa Fe division  
13 4 shall be filled by election at the general election held in  
14 2006 and those terms of office shall begin January 1, 2007.

15 Section 24. APPROPRIATIONS. --

16 A. The following amounts are appropriated from the  
17 general fund to the following agencies for expenditure in  
18 fiscal year 2004 for the following purposes in the third  
19 judicial district:

20 (1) two hundred ninety-three thousand two  
21 hundred ninety dollars (\$293,290) to the third judicial  
22 district court for salaries and benefits and furniture,  
23 supplies and equipment for one additional judge and support  
24 staff;

25 (2) seventy-eight thousand six hundred sixty-

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

5 (3) one hundred five thousand five hundred  
6 thirty dollars (\$105,530) to the public defender department for  
7 salaries and benefits and furniture, supplies and equipment for  
8 additional public defender attorneys and support staff and for  
9 costs of contract and conflict counsel due to increased  
10 district court workload.

11 B. The following amounts are appropriated from the  
12 general fund to the following agencies for expenditure in  
13 fiscal year 2004 for the following purposes in the sixth  
14 judicial district:

15 (1) two hundred ninety-three thousand two  
16 hundred ninety dollars (\$293,290) to the sixth judicial  
17 district court for salaries and benefits and furniture,  
18 supplies and equipment for one additional judge and support  
19 staff; and

20 (2) seventy-eight thousand six hundred sixty-  
21 five dollars (\$78,665) to the sixth judicial district attorney  
22 for salaries and benefits and furniture, supplies and equipment  
23 for additional staff due to increased district court workload.

24 C. The following amounts are appropriated from the  
25 general fund to the following agencies for expenditure in

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1 fiscal year 2004 for the following purposes in the ninth  
2 judicial district:

3 (1) two hundred ninety-three thousand two  
4 hundred eighty-eight dollars (\$293,288) to the ninth judicial  
5 district court for salaries and benefits and furniture,  
6 supplies and equipment for an additional judge and support  
7 staff;

8 (2) seventy-eight thousand six hundred sixty-  
9 five dollars (\$78,665) to the ninth judicial district attorney  
10 for salaries and benefits and furniture, supplies and equipment  
11 for additional staff due to increased district court workload;  
12 and

13 (3) one hundred five thousand five hundred  
14 thirty dollars (\$105,530) to the public defender department for  
15 salaries and benefits and furniture, supplies and equipment for  
16 additional public defender attorneys and support staff and for  
17 costs of contract and conflict counsel due to increased  
18 district court workload.

19 D. Five hundred eighty-six thousand five hundred  
20 eighty dollars (\$586,580) is appropriated from the general fund  
21 to the eleventh judicial district court for expenditure in  
22 fiscal year 2004 for salaries and benefits and furniture,  
23 supplies and equipment for two additional judges and support  
24 staff.

25 E. The following amounts are appropriated from the  
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1 general fund to the following agencies for expenditure in  
2 fiscal year 2004 for the following purposes in the thirteenth  
3 judicial district:

4 (1) five hundred eighty-six thousand five  
5 hundred eighty dollars (\$586,580) to the thirteenth judicial  
6 district court for salaries and benefits and furniture,  
7 supplies and equipment for two additional judges and support  
8 staff; and

9 (2) one hundred fifty-seven thousand three  
10 hundred thirty dollars (\$157,330) to the thirteenth judicial  
11 district attorney for salaries and benefits and furniture,  
12 supplies and equipment for additional staff due to increased  
13 workload in division one.

14 F. The following amounts are appropriated from the  
15 general fund to the following agencies for expenditure in  
16 fiscal year 2004 for increased costs in the Bernalillo county  
17 metropolitan court:

18 (1) two hundred seventy-four thousand sixty-  
19 five dollars (\$274,065) to the Bernalillo county metropolitan  
20 court for salaries and benefits and furniture, supplies and  
21 equipment for a judge and support staff in division seventeen;

22 (2) two hundred seventy-four thousand sixty-  
23 five dollars (\$274,065) to the Bernalillo county metropolitan  
24 court for salaries and benefits and furniture, supplies and  
25 equipment for a judge and support staff in division eighteen;

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1 (3) two hundred seventy-four thousand sixty-  
2 five dollars (\$274,065) to the Bernalillo county metropolitan  
3 court for salaries and benefits and furniture, supplies and  
4 equipment for a judge and support staff in division nineteen;

5 (4) two hundred seventy-four thousand sixty-  
6 five dollars (\$274,065) to the Bernalillo county metropolitan  
7 court for salaries and benefits and furniture, supplies and  
8 equipment for a judge and support staff in division twenty;

9 (5) four hundred nineteen thousand eight  
10 hundred thirty dollars (\$419,830) to the second judicial  
11 district attorney for salaries and benefits and furniture,  
12 supplies and equipment for additional staff due to increased  
13 metropolitan court workload; and

14 (6) four hundred fifty-eight thousand dollars  
15 (\$458,000) to the public defender department for salaries and  
16 benefits and furniture, supplies and equipment for additional  
17 public defender attorneys and support staff and for costs of  
18 contract and conflict counsel due to increased metropolitan  
19 court workload.

20 G. The following amounts are appropriated from the  
21 general fund to the following agencies for expenditure in  
22 fiscal year 2004 for costs associated with the additional  
23 magistrate judge in Dona Ana magistrate district:

24 (1) ninety-nine thousand three hundred eighty  
25 dollars (\$99,380) to the administrative office of the courts

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1 for salaries and benefits and furniture, supplies and equipment  
2 for one additional magistrate judge in the Dona Ana magistrate  
3 district;

4 (2) seventy-five thousand nine hundred twenty-  
5 five dollars (\$75,925) to the third judicial district attorney  
6 for salaries and benefits and furniture, supplies and equipment  
7 due to the increased workload in the Dona Ana magistrate  
8 district; and

9 (3) eighty-eight thousand twenty dollars  
10 (\$88,020) to the public defender department for salaries and  
11 benefits and furniture, supplies and equipment for additional  
12 public defender attorneys and support staff and for costs of  
13 contract and conflict counsel due to increased workload in the  
14 Dona Ana magistrate district.

15 H. The following amounts are appropriated from the  
16 general fund to the following agencies for expenditure in  
17 fiscal year 2004 for costs associated with the additional  
18 magistrate judge in San Juan magistrate district:

19 (1) ninety-nine thousand three hundred eighty  
20 dollars (\$99,380) to the administrative office of the courts  
21 for salaries and benefits and furniture, supplies and equipment  
22 for one additional magistrate judge in the San Juan magistrate  
23 district;

24 (2) seventy-five thousand nine hundred twenty-  
25 five dollars (\$75,925) to the third judicial district attorney



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1 for salaries and benefits and furniture, supplies and equipment  
2 due to the increased workload in the San Juan magistrate  
3 district; and

4 (3) eighty-eight thousand twenty dollars  
5 (\$88,020) to the public defender department for salaries and  
6 benefits and furniture, supplies and equipment for additional  
7 public defender attorneys and support staff and for costs of  
8 contract and conflict counsel due to increased workload in the  
9 San Juan magistrate district.

10 I. The following amounts are appropriated from the  
11 general fund to the following agencies for expenditure in  
12 fiscal year 2004 for costs associated with the additional  
13 magistrate judge in Santa Fe magistrate district:

14 (1) ninety-nine thousand three hundred eighty  
15 dollars (\$99,380) to the administrative office of the courts  
16 for salaries and benefits and furniture, supplies and equipment  
17 for one additional magistrate judge in the Santa Fe magistrate  
18 district;

19 (2) seventy-five thousand nine hundred twenty-  
20 five dollars (\$75,925) to the first judicial district attorney  
21 for salaries and benefits and furniture, supplies and equipment  
22 for additional staff due to the increased workload in the Santa  
23 Fe magistrate court; and

24 (3) one hundred three thousand dollars  
25 (\$103,000) to the public defender department for salaries and

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1 benefits and furniture, supplies and equipment for additional  
2 public defender attorneys and support staff and for costs of  
3 contract and conflict counsel due to increased workload in the  
4 Santa Fe magistrate court.

5 J. Any unexpended or unencumbered balance remaining  
6 from any of the appropriations in this section at the end of  
7 fiscal year 2004 shall revert to the general fund.

8 Section 25. EFFECTIVE DATE. --The effective date of the  
9 provisions of this act is July 1, 2003.

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