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HOUSE BILL 176

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Henry Kiki Saavedra

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; CREATING AN ADDITIONAL JUDGESHIP IN THE NINTH JUDICIAL DISTRICT; CREATING AN ADDITIONAL JUDGESHIP IN THE ELEVENTH JUDICIAL DISTRICT; CREATING AN ADDITIONAL JUDGESHIP IN THE THIRTEENTH JUDICIAL DISTRICT; CREATING AN ADDITIONAL JUDGESHIP IN THE BERNALILLO COUNTY METROPOLITAN COURT; CREATING AN ADDITIONAL JUDGESHIP IN THE SANTA FE MAGISTRATE COURT; AMENDING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-12 NMSA 1978 (being Laws 1968, Chapter 69, Section 15, as amended) is amended to read:

"34-6-12. JUDGES- -NINTH JUDICIAL DISTRICT. -- There shall be ~~three~~ four district judges in the ninth judicial district. The judge of division three shall reside in Curry or Roosevelt

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1 county and maintain [~~his~~] a principal office in Roosevelt
2 county. As used in this section, "maintain [~~his~~] a principal
3 office" means holding court or being available to hold court no
4 less than one hundred forty days during each calendar year. "

5 Section 2. Section 34-6-14 NMSA 1978 (being Laws 1968,
6 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,
7 Section 3 and also by Laws 1995, Chapter 179, Section 1) is
8 amended to read:

9 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT. --There
10 shall be [~~six~~] seven district judges in the eleventh judicial
11 district. The judges of divisions one, three, four and six
12 shall reside and maintain their principal offices in San Juan
13 county. The judges of divisions two, [~~and~~] five and seven
14 shall reside and maintain their principal offices in McKinley
15 county. "

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

18 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT. --There
19 shall be [~~six~~] seven district judges in the thirteenth judicial
20 district. The judges of divisions one, three and six shall
21 reside and maintain their principal offices in Valencia county.
22 The judges of divisions two, [~~and~~] five and seven shall reside
23 and maintain their principal offices in Sandoval county. The
24 judge of division four shall reside and maintain [~~his principal~~
25 ~~offices~~] a principal office in Cibola county. "

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1 Section 4. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,
2 Chapter 318, Section 2, as amended) is amended to read:

3 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF
4 OFFICE--ELECTION. --

5 A. The elected term of office for each judge of the
6 metropolitan court is four years.

7 B. Any person appointed to fill a vacancy on the
8 metropolitan court after January 1, 1989 shall serve until the
9 next general election. That person's successor shall be chosen
10 at that general election and shall hold the office until the
11 general election four years later.

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

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

24 E. A judge of the Bernalillo county metropolitan
25 court for division seventeen shall be appointed and shall serve

1 until the 2004 general election. A successor shall be chosen
2 at that general election and shall hold office until the
3 general election four years later."

4 Section 5. Section 35-1-29 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 31, as amended) is amended to read:

6 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT. --There
7 shall be [~~three~~] four magistrates in Santa Fe magistrate
8 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
9 court in Santa Fe. However, one magistrate shall ride circuit
10 to Pojoaque on a regularly scheduled basis. "

11 Section 6. TEMPORARY PROVISION--MAGISTRATE COURT--
12 APPOINTMENT--ELECTION. --The additional magistrate judge
13 provided for in this act shall be filled by appointment by the
14 governor. The appointed magistrate shall begin serving on July
15 1, 2004 and shall serve until succeeded by a magistrate elected
16 at the general election in 2004. The elected magistrate's term
17 of office shall begin on January 1, 2005 and shall end on
18 December 31, 2006.

19 Section 7. TEMPORARY PROVISION--DISTRICT JUDGES--
20 APPOINTMENT. --The additional district judges provided for in
21 this act shall be filled by appointment by the governor
22 pursuant to the provisions of Article 6 of the constitution of
23 New Mexico.

24 Section 8. APPROPRIATIONS. --

25 A. The following amounts are appropriated from the

. 148917. 3

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1 general fund to the following entities for expenditure in
2 fiscal year 2005 for the following purposes:

3 (1) two hundred ninety-nine thousand seven
4 hundred dollars (\$299,700) to the ninth judicial district for
5 salaries and benefits and furniture, supplies and equipment for
6 one additional district judge and support staff;

7 (2) two hundred ninety-nine thousand seven
8 hundred dollars (\$299,700) to the eleventh judicial district
9 for salaries and benefits and furniture, supplies and equipment
10 for one additional district judge and support staff;

11 (3) two hundred ninety-nine thousand seven
12 hundred dollars (\$299,700) to the thirteenth judicial district
13 for salaries and benefits and furniture, supplies and equipment
14 for one additional district judge and support staff;

15 (4) two hundred eighty thousand six hundred
16 dollars (\$280,600) to the Bernalillo county metropolitan court
17 for salaries and benefits and furniture, supplies and equipment
18 for one additional judge and support staff in division
19 seventeen; and

20 (5) eighty-nine thousand three hundred dollars
21 (\$89,300) to the administrative office of the courts for salary
22 and benefits and furniture, equipment and supplies for one
23 additional magistrate judge in the Santa Fe magistrate
24 district.

25 B. Any unexpended or unencumbered balance remaining

. 148917. 3

1 at the end of fiscal year 2005 shall revert to the general
2 fund.

3 Section 9. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is July 1, 2004.

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