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SENATE BILL 447

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO DOMESTIC VIOLENCE; CREATING DOMESTIC VIOLENCE
HEARING OFFICERS; PROVIDING POWERS AND DUTIES; ELIMINATING THE
DOMESTIC VIOLENCE PILOT PROGRAM IN THE ELEVENTH JUDICIAL
DISTRICT.

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

Section 1. A new section of the Family Violence
Protection Act is enacted to read:

"[NEW MATERIAL] DOMESTIC VIOLENCE HEARING OFFICERS--
APPOINTMENT--QUALIFICATIONS.--

A. A domestic violence hearing officer shall be
appointed by and serve at the pleasure of a majority of the
judges of the judicial district to which the officer is
assigned.

B. A domestic violence hearing officer shall:

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1 (1) be an attorney licensed to practice law in
2 New Mexico;

3 (2) have a minimum of five years experience in
4 the practice of law, with at least twenty percent of that
5 practice having been in family law or domestic relations
6 matters;

7 (3) devote full time to the officer's duties
8 pursuant to the Family Violence Protection Act and shall not
9 engage in the private practice of law or in any employment,
10 occupation or business that interferes with or is inconsistent
11 with the discharge of the officer's duties; and

12 (4) conform to Canons 21-100 through 21-500
13 and 21-700 of the Code of Judicial Conduct as adopted by the
14 supreme court. Violation of any such canon shall be grounds
15 for dismissal of any domestic violence hearing officer."

16 Section 2. A new section of the Family Violence
17 Protection Act is enacted to read:

18 "[NEW MATERIAL] HEARING OFFICERS--POWERS--DUTIES.--

19 A. A domestic violence hearing officer shall have
20 the adjudicatory powers possessed by district courts under the
21 Family Violence Protection Act and any other law allowing the
22 enforcement and establishment of orders of protection.

23 B. A domestic violence hearing officer shall have
24 the power to:

25 (1) preserve and enforce order during

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1 hearings;

2 (2) administer oaths;

3 (3) issue subpoenas to compel the attendance
4 and testimony of witnesses, the production of books, papers,
5 documents and other evidence or the taking of depositions
6 before a designated individual competent to administer oaths;

7 (4) examine witnesses; and

8 (5) do all things conformable to law that may
9 be necessary to enable the officer to discharge the duties of
10 the office effectively.

11 C. A domestic violence hearing officer shall
12 perform tasks pursuant to the provisions of the Family Violence
13 Protection Act, including:

14 (1) reviewing petitions for indigency;

15 (2) interviewing petitioners;

16 (3) determining if petitioners' requests for
17 temporary restraining orders should be granted;

18 (4) conducting hearings on the merits of
19 petitions; and

20 (5) preparing recommendations to the district
21 court regarding disposition of requests for orders of
22 protection."

23 Section 3. REPEAL.--Section 40-13-8 NMSA 1978 (being Laws
24 1992, Chapter 107, Section 1) is repealed.

25 Section 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2005.

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