| 1 | SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL 447 |
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| 2 | 47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005 |
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| 10 | AN ACT |
| 11 | RELATING TO DOMESTIC VIOLENCE; CREATING DOMESTIC VIOLENCE |
| 12 | SPECIAL COMMISSIONERS; PROVIDING POWERS AND DUTIES; ELIMINATING |
| 13 | THE DOMESTIC VIOLENCE PILOT PROGRAM IN THE ELEVENTH JUDICIAL |
| 14 | DI STRI CT. |
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| 16 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO: |
| 17 | Section 1. A new section of the Family Violence |
| 18 | Protection Act is enacted to read: |
| 19 | "[<u>NEW MATERIAL</u>] DOMESTIC VIOLENCE SPECIAL COMMISSIONERS |
| 20 | APPOINTMENT QUALIFICATIONS |
| 21 | A. A domestic violence special commissioner shall |
| 22 | be appointed by and serve at the pleasure of the chief judge of |
| 23 | the judicial district to which the officer is assigned. |
| 24 | B. A domestic violence special commissioner shall: |
| 25 | (1) be an attorney licensed to practice law in |
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1 New Mexico;

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| 2 | (2) have a minimum of three years experience |
| 3 | in the practice of law and be knowledgeable in the area of |
| 4 | domestic relations and domestic violence matters; and |
| 5 | (3) conform to Canons 21-100 through 21-500 |
| 6 | and 21-700 of the Code of Judicial Conduct as adopted by the |
| 7 | supreme court. Violation of any such canon shall be grounds |
| 8 | for dismissal of any domestic violence special commissioner." |
| 9 | Section 2. A new section of the Family Violence |
| 10 | Protection Act is enacted to read: |
| 11 | "[<u>NEW_MATERIAL]</u> SPECIAL_COMMISSIONERSPOWERSDUTIES |
| 12 | A. A domestic violence special commissioner shall |
| 13 | perform the following duties in carrying out the provisions of |
| 14 | the Family Violence Protection Act: |
| 15 | (1) review petitions for orders of protection |
| 16 | and motions to enforce, modify or terminate orders of |
| 17 | protection; |
| 18 | (2) if deemed necessary, interview |
| 19 | petitioners. Any interview shall be on the record; |
| 20 | (3) conduct hearings on the merits of |
| 21 | petitions for orders of protection and motions to enforce, |
| 22 | modify or terminate orders of protection; and |
| 23 | (4) prepare recommendations to the district |
| 24 | court regarding petitions for orders of protection and motions |
| 25 | to enforce, modify or terminate orders of protection. |
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| | 1 | B. All orders must be signed by a district court |
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| | 2 | judge before the recommendations of a domestic violence special |
| | 3 | commissioner become effective." |
| | 4 | Section 3. REPEALSection 40-13-8 NMSA 1978 (being Laws |
| | 5 | 1992, Chapter 107, Section 1) is repealed. |
| | 6 | Section 4. EFFECTIVE DATEThe effective date of the |
| | 7 | provisions of this act is July 1, 2005. |
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