

AN ACT

RELATING TO COURTS; PROVIDING NO RIGHT TO A JURY TRIAL IN
MAGISTRATE COURT FOR PENALTY ASSESSMENT MISDEMEANORS OR FOR
OFFENSES THAT DO NOT PRESCRIBE INCARCERATION AS A PENALTY;
DECLARING AN EMERGENCY.

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

Section 1. Section 35-8-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 108, as amended) is amended to read:

"35-8-1. MAGISTRATE JURY--RIGHT TO TRIAL BY JURY.--
Except for contempt of the magistrate court, penalty
assessment misdemeanors or offenses that do not prescribe
incarceration as a penalty, the right to trial by jury exists
in all actions in the magistrate court that are within
magistrate trial jurisdiction."

Section 2. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately.
