HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL 275

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

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AN ACT

RELATING TO THE JUDICIARY; REVISING THE QUALIFICATIONS TO SERVE AS MAGISTRATE; ALLOWING MAGISTRATE COURTS IN CLASS A COUNTIES WITH A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND; DECLARING AN EMERGENCY.

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

SECTION 1. Section 35-1-2 NMSA 1978 (being Laws 1968, Chapter 62, Section 4, as amended) is amended to read:

"35-1-2. MAGISTRATE COURT--DISTRICTS.--The magistrate court consists of one magistrate district in each county excepting a class A county with a population of more than [two hundred thousand | two hundred fifty thousand persons in the last federal decennial census. The name of the magistrate district is the same as the name of the county in which it is located."

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SECTION 2. Section 35-2-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 41, as amended) is amended to read:

"35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--Each magistrate shall be a qualified elector of, and reside in, the magistrate district for which [he] the magistrate is elected or appointed. No person is eligible for election or appointment to the office of magistrate unless [he] the person has graduated from high school or has attained the equivalent of a high school education as indicated by possession of a general educational development certificate [of equivalency] issued by the [state department of] public education department based upon the record made on the general educational development [In magistrate districts with a population of more than two hundred thousand persons in the last federal decennial census, no person is eligible for election or appointment to the office of magistrate unless he is a member of the bar of this state and licensed to practice law in this state, but he shall not engage in the private practice of law during his tenure in office.]"

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is April 1, 2011.

SECTION 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.