

HOUSE BILL 238

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Gail Chasey

AN ACT

RELATING TO PROBATE COURTS; REQUIRING CERTAIN PROBATE JUDGES TO  
BE MEMBERS OF THE STATE BAR OF NEW MEXICO; INCREASING DOCKET  
FEES.

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

**SECTION 1.** Section 34-7-1 NMSA 1978 (being Laws 1865,  
Chapter 21, Section 1, as amended) is amended to read:

"34-7-1. PROBATE JUDGE--AUTHORIZED.--

A. There shall be a probate judge in each county of  
this state. The position of probate judge shall be deemed a  
part-time position.

B. No person in a class A county with a population  
of more than two hundred fifty thousand according to the most  
recent federal decennial census shall be eligible for or  
appointed to the office of probate judge unless that person is

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1 a member of the state bar of New Mexico and has practiced law  
2 in this state for a minimum of two years."

3 SECTION 2. Section 34-7-14 NMSA 1978 (being Laws 1923,  
4 Chapter 29, Section 1, as amended) is amended to read:

5 "34-7-14. FEES OF PROBATE COURT CLERKS.--Clerks of the  
6 probate courts are entitled to receive the following docket  
7 fees in all matters:

8 A. for docketing each cause, to be paid by the  
9 party docketing the cause, [~~thirty dollars (\$30.00)~~] fifty  
10 dollars (\$50.00), which shall include all costs of the clerks  
11 in any cause in the court; and

12 B. a fee of fifteen cents (\$.15) per folio in  
13 addition to the docket fee may be charged for any excess of  
14 twenty folios in cases where judgments or decrees or orders  
15 exceed twenty folios."

16 SECTION 3. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2012.