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HOUSE JOINT RESOLUTION 6
53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY
William "Bill" R. Rehm

A JOINT RESOLUTION
PROPOSING TO AMEND ARTICLE 4 AND ARTICLE 6 OF THE CONSTITUTION
OF NEW MEXICO TO REMOVE FROM THE JUDICIAL BRANCH ITS AUTHORITY
TO ESTABLISH THE PRACTICES AND PROCEDURES OF THE SUPREME COURT
AND ALL INFERIOR COURTS AND TRANSFER THAT AUTHORITY TO THE
LEGISLATIVE BRANCH.

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

SECTION 1. It is proposed to amend Article 4 of the
constitution of New Mexico by adding a new section to read:

"The practices and procedures pertaining to the supreme
court and all inferior courts shall be established by law."

SECTION 2. It is proposed to amend Article 6, Section 3
of the constitution of New Mexico to read:

"The supreme court shall have original jurisdiction in quo
warranto and mandamus against all state officers, boards and

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1 commissions and, subject to the provisions of Article 4 of this
2 constitution, shall have a superintending control over all
3 inferior courts; it shall also have power to issue writs of
4 mandamus, error, prohibition, habeas corpus, certiorari,
5 injunction and all other writs necessary or proper for the
6 complete exercise of its jurisdiction and to hear and determine
7 the same. Such writs may be issued by direction of the court,
8 or by any justice thereof. Each justice shall have power to
9 issue writs of habeas corpus upon petition by or on behalf of a
10 person held in actual custody and to make such writs returnable
11 before [~~himself~~] the justice or before the supreme court, or
12 before any of the district courts or any judge thereof."

13 SECTION 3. The amendment proposed by this resolution
14 shall be submitted to the people for their approval or
15 rejection at the next general election or at any special
16 election prior to that date that may be called for that
17 purpose.