SENATE BILL 173

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Richard C. Martinez

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; AUTHORIZING MUNICIPALITIES OF ANY SIZE TO TRANSFER JURISDICTION OF MUNICIPAL COURTS TO THE MAGISTRATE COURT WITH THE AGREEMENT OF THE SUPREME COURT.

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

SECTION 1. Section 35-14-1 NMSA 1978 (being Laws 1961, Chapter 208, Section 1, as amended) is amended to read:

"35-14-1. MUNICIPAL COURT--CREATION.--

A. Except for municipalities with a population of [less] fewer than two thousand five hundred or more than five thousand persons in the [1980] most recent federal decennial census lying within the boundaries of a class A county with a population of more than two hundred thousand persons in the [last] most recent federal decennial census and municipalities [which] that have adopted an effective ordinance pursuant to

.211187.2SA

1   Subsection B of this section, there is established a municipal

2   court in each incorporated municipality. The municipal courts

3   shall be presided over by municipal judges. As used in Chapter

4   35, Articles 14 and 15 NMSA 1978, "municipality" includes H

5   class counties.

6   B.   The governing body of a municipality [with a

7   population of one thousand five hundred persons or less in the

8   last federal decennial census] may designate the magistrate

9   court of the county in which the municipality is located as the

10   court having jurisdiction over municipal ordinances upon

11   agreement between the supreme court and the municipality. The

12   designation shall be by adopted ordinance [which] that shall

13   not be effective until the expiration of the term of any

14   incumbent municipal judge. Within five days after the

15   effective date of the ordinance, the governing body of the

16   municipality shall:

17   (1)   forward a copy of the ordinance to the

18   magistrate court and to the administrative office of the

19   courts; and

20   (2)   provide to the magistrate court copies of

21   all municipal ordinances over which the magistrate court will

22   have jurisdiction.

23   C.   A magistrate court designated pursuant to

24   Subsection B of this section shall, with respect to ordinances

25   of the municipality:

.211187.2SA

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1   (1)   follow the rules of procedure for the

2   municipal courts and the procedures provided by Chapter 35,

3   Article 15 NMSA 1978;

4   (2)   impose no fine or sentence greater than

5   that permitted for municipalities; and

6   (3)   remit monthly to the state all funds

7   collected as a result of enforcement of municipal ordinances."

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