SENATE JOINT RESOLUTION 8

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

INTRODUCED BY

Daniel A. Ivey-Soto

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 23 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW THE LEGISLATURE TO PROVIDE COUNTY COMMISSIONS THE OPTION TO TRANSFER PROBATE JURISDICTION TO A STATE COURT UPON APPROVAL OF THE SUPREME COURT.

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

SECTION 1. It is proposed to amend Article 6, Section 23 of the constitution of New Mexico to read:

"A probate court is hereby established for each county, which shall be a court of record, and, until otherwise provided by law, shall have the same jurisdiction as heretofore exercised by the probate courts of New Mexico and shall also have jurisdiction to determine heirship with respect to real property in all proceedings for the administration of decedents' estates. The legislature may provide county
commissions the authority to close a probate court of the
county and transfer its jurisdiction to a state court upon
approval of the supreme court. The legislature shall have
power from time to time to confer upon the probate court in any
county in this state jurisdiction to determine heirship in all
probate proceedings, and shall have power also from time to
time to confer upon the probate court in any county in this
state general civil jurisdiction coextensive with the county;
provided, however, that such court shall not have jurisdiction
in civil causes in which the matter in controversy shall exceed
in value three thousand dollars ($3,000.00) ($3,000)
exclusive of interest and cost; nor in any action for malicious
prosecution, slander and libel; nor in any action against
officers for misconduct in office; nor in any action for the
specific performance of contracts for the sale of real estate;
nor in any action for the possession of land; nor in any matter
wherein the title or boundaries of land may be in dispute or
drawn in question, except as title to real property may be
affected by the determination of heirship; nor to grant writs
of injunction, habeas corpus or extraordinary writs.
Jurisdiction may be conferred upon the judges of said court to
act as examining and committing magistrates in criminal cases,
and upon said courts for the trial of misdemeanors in which the
punishment cannot be imprisonment in the penitentiary, or in
which the fine cannot be in excess of one thousand dollars
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($1,000). A jury for the trial of such cases shall consist of
six [men] persons. The legislature shall prescribe the
qualifications and fix the compensation of probate judges."

SECTION 2. The amendment proposed by this resolution
shall be submitted to the people for their approval or
rejection at the next general election or at any special
election prior to that date that may be called for that
purpose.

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