

1 SENATE BILL 265

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Cliff R. Pirtle

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10 AN ACT

11 RELATING TO JURISDICTION; REQUIRING TRAFFIC CITATIONS TO BE
12 FILED IN THE COUNTY IN WHICH THE VIOLATION IS ALLEGED TO HAVE
13 BEEN COMMITTED.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 35-3-6 NMSA 1978 (being Laws 1968,
17 Chapter 62, Section 51, as amended) is amended to read:

18 "35-3-6. JURISDICTION--TERRITORIAL LIMITS.--

19 A. The territorial jurisdiction of a magistrate is
20 coextensive with the magistrate district in which the
21 magistrate serves. A magistrate also has jurisdiction in any
22 criminal action involving violation of a law relating to motor
23 vehicles arising in a magistrate district adjoining at any
24 point that in which the magistrate serves and within magistrate
25 trial jurisdiction; provided that the defendant ~~is entitled to~~

.219041.1

underscored material = new
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1 ~~a change of venue to the district where the cause of action~~
2 ~~arose if the defendant so moves at, or within fifteen days~~
3 ~~after, arraignment]~~ consents to a change of venue from the
4 magistrate district where the cause of action arose.

5 B. A magistrate has jurisdiction to sit in any
6 action arising in any other magistrate district when designated
7 for a specific period of time by a district judge because of
8 the unavailability of a magistrate in that magistrate district.
9 A magistrate acting in another magistrate district by
10 designation pursuant to this subsection shall include the cases
11 heard by designation in the magistrate's own reports to the
12 administrative office of the courts, indicating on the reports
13 that the magistrate's jurisdiction is by designation.

14 C. In a criminal action in which a magistrate has
15 territorial jurisdiction over the offense pursuant to this
16 section, the magistrate court has personal jurisdiction over
17 the defendant for the purpose of service of process upon the
18 defendant wherever the defendant resides or may be found within
19 the state.

20 D. In a civil action arising within the
21 magistrate's territorial jurisdiction, the magistrate court has
22 personal jurisdiction over the defendant for the purpose of
23 service of process upon the defendant wherever the defendant
24 resides or may be found within the state.

25 E. The territorial limitations of magistrate

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underscoring material = new
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1 court jurisdiction shall not apply to actions to enforce
2 judgments entered in the magistrate district and writs issued
3 in aid of those actions."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2021.

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