

LFC Requester:

Austin Davidson

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

and

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:

Original  Amendment   
Correction  Substitute

Date 01.17.24

Bill No: House Bill 102

Sponsor: Christine Chandler  
Short Title: Magistrate as Court of Record

Agency Name  
and Code

AOC / 218

Number:

Person Writing

Cynthia Pacheco/Jason Clack

Phone: 505.470.8795

Email aocclp@nmcourts.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
300	300	Recurring	General Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 102 cleans up gender specific language in the statutes governing magistrate courts and other changes to the magistrate courts:

Section 1 creates a new section of Chapter 35, Article 13 NMSA 1978 that maintains status quo for actions brought under the Uniform Owner-Resident Relations Act. These hearings will not be on the record and will appeals will continue to be filed in the district court.

Section 2 amends 34-5-9 NMSA 1978 to direct all appeals taken in the manner prescribed for appeals to the Supreme Court.

Section 3 amends 35-1-1 NMSA 1978 to make magistrate courts a court of record.

Section 4 amends 35-3-9 NMSA 1978 directs contempt appeals to the court of appeals.

Section 5 amends 34-4-2 NMSA 1978 removes archaic language and reflects the current compilation.

Section 6 amends 35-13-1 NMSA 1978 to direct appeals from magistrate court in civil actions or special statutory proceedings to the court of appeals.

#### **FISCAL IMPLICATIONS**

Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the Administrative Office of the Courts for expenditure in fiscal year 2025 and subsequent fiscal years to support on-record proceedings in the magistrate courts. Specifically, the funding will ensure that all magistrate courts have recording equipment and that court staff is trained in professional monitoring of court proceedings.

#### **SIGNIFICANT ISSUES**

Putting magistrate courts on the record means that all proceedings will be recorded utilizing audio recording equipment, and that trained court personnel will ensure proper recording protocols are implemented.

Currently, without an official record of the proceeding, an appeal of a magistrate court decision goes the district court for a *de novo* trial. A *de novo*, or new “from the beginning”, trial is needed

because no record exists that can be reviewed upon an appeal. One primary result of implementing on-record proceedings is that appeals from the magistrate court will proceed directly to the Court of Appeals. Bypassing a second “new” trial in the district court will save administrative time and resources on the appeals of on-the-record decisions, because the appellate court will only have to review the record of the proceedings in the magistrate court, rather than conduct an entirely new trial. On-record proceedings will also eliminate additional layers of appeal, by removing the district court from the appeal process for on-the-record cases in the magistrate court.

Importantly, on-record proceedings should promote professionalism and improved performance of the magistrate courts, because judges will be aware that their instructions, directions, exchanges with parties, and decisions are being recorded and subject to analysis and review.

This bill exempts on-record review of cases brought under the Uniform Owner-Resident Relations Act, because those cases have shorter statutory deadlines for disposition and appellate review, due to the time-sensitive nature of the housing issues involved. See Sections 47-8-46 and 47 NMSA 1978. So, although the overall appellate process will be more efficient for on-the-record cases, the Court of Appeals would be challenged to comply with statutory deadlines for timely review of landlord tenant cases, which could impede resolution of important housing rights disputes. Therefore, the district court is in a better position to review those cases on a more expedited basis, under the current non-record review procedures.

The delayed implementation date of this bill will allow the Supreme Court to consider and adopt rules for the administration of on-the-record hearings in the magistrate courts, as well as the proper appellate procedures for review of those cases.

## PERFORMANCE IMPLICATIONS

There will be fewer appeals heard in the district courts and more appeals heard by the appellate courts. This will have positive performance implications for the district courts, and the court of appeals should be able to absorb on-the-record appeals from the magistrate courts, under current appellate review procedures. See below the number of lower court appeals for previous years:

<b>Current Magistrate Court Appeals to District Courts</b>						
Case Type Codes	Case Type Description	Civil/ Criminal	Number of Cases 7/1/2023 – 12/31/2023	<b>Number of Cases FY 2023</b>	<b>Number of Cases FY 2022</b>	<b>Number of Cases FY 2021</b>
APPD/ APPP	Civil Appeals	CV	149	297	249	218
LDVDA/LDVPA	Domestic Violence Appeal	CR	1	0	0	3
LCADA/LCAPA	Lower Court Appeal	CR	47	130	89	101
LDWDA/LDWPA	Lower Court DWI Appeal	CR	17	55	46	64
<b>Totals</b>			243	482	384	386

## **ADMINISTRATIVE IMPLICATIONS**

Overall administrative performance of the courts will improve, by removing an additional layer of the appellate process for cases from the magistrate courts.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**