

LFC Requester:

Marty Daly

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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 x **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 1/29/24

Bill No: HB 102

Sponsor: Rep. Christine Chandler

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Magistrate as Court of
Record

Person Writing Analysis: AAG Ellen Venegas
Phone: 505-537-7676
Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	\$300	Recurring	General Fund

(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)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Under current law, a party can appeal a magistrate court judgment or final order to the district court for a trial or hearing de novo. *See, e.g., City of Farmington v. Pinon-Garcia*, 2013-NMSC-046, ¶ 22, 311 P.3d 446 (explaining that “the right of appeal from courts not of record is the right to a trial or hearing de novo in district court”); NMSA 1978, § 39-3-1 (1955) (“All appeals from inferior tribunals to the district courts shall be tried anew in said courts on their merits, as if no trial had been had below, except as otherwise provided by law.”).

House Bill (“HB”) 102 would make the magistrate court a “court of record” and providing that all appeals, except for those involving judgments rendered by the magistrate court pursuant to the Uniform Owner-Resident Relations Act, shall be taken to the New Mexico Court of Appeals.

The effective date for the bill is July 1, 2025.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Converting magistrate courts into courts of record may conflict with Rule 2-601(B) NMRA, which provides that a party in magistrate court bears the expense of creating a record.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

Under HB 102, nearly all appeals from magistrate court would be taken directly to the Court of Appeals. This would likely result in an influx of new cases for the Court of Appeals to consider.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NMSA 1978, Section 34-8A-6 (2019) similarly provides that some appeals from metropolitan court are taken directly to the Court of Appeals, instead of to the district court. Under Section 34-8A-6, the types of appeals that are directly appealed to the Court of Appeals are more limited in scope than what is proposed by HB 102.

Existing court rules governing time and place for notices of appeal would not apply to HB 102's framework, due to their specific wording. *See* Rules 1-072, 2-705, 5-826, & 6-703 NMRA (governing de novo appeals from magistrate court to district court); Rules 12-201 & 12-202 NMRA (governing appeals from district court); Rule 12-601 NMRA (governing appeals from administrative agencies).

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A