

AN ACT

RELATING TO MAGISTRATE COURTS; CLARIFYING THE OPERATIONS OF CERTAIN MAGISTRATE DISTRICTS; AUTHORIZING A MAGISTRATE JUDGE TO HEAR CASES IN ANOTHER MAGISTRATE DISTRICT FOR A SPECIFIC PERIOD OF TIME; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 35-1-37 NMSA 1978 (being Laws 1968, Chapter 62, Section 39) is amended to read:

"35-1-37. MAGISTRATE COURT--PRESIDING MAGISTRATE.--In magistrate districts where two or more divisions operate as a single court, the director of the administrative office of the courts shall designate the magistrate of one of the divisions as "presiding magistrate" to perform administrative duties prescribed by regulation of the administrative office."

Section 2. Section 35-3-6 NMSA 1978 (being Laws 1968, Chapter 62, Section 51, as amended) is amended to read:

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

A. The territorial jurisdiction of a magistrate is coextensive with the magistrate district in which he serves. A magistrate also has jurisdiction in any criminal action involving violation of a law relating to motor vehicles arising in any magistrate district adjoining at any point that in which he serves and within magistrate trial

jurisdiction; provided that the defendant is entitled to a change of venue to the district where the cause of action arose if he so moves at, or within fifteen days after, arraignment.

B. A magistrate has jurisdiction to sit in any action arising in any other magistrate district when designated for a specific period of time by any district judge because of the unavailability of a magistrate in that magistrate district. Any magistrate acting in another magistrate district by designation under this subsection shall include the cases heard by designation in his own reports to the administrative office of the courts, indicating on the reports that his jurisdiction is by designation. No costs or fees shall be collected by any court for any filing or proceeding under this subsection.

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

D. In any civil action arising within the magistrate's territorial jurisdiction, the magistrate court has personal jurisdiction over the defendant for the purpose of service of process upon the defendant wherever he resides

