1	HOUSE BILL 376					
2	44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999					
3	I NTRODUCED BY					
4	R. David Pederson					
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7						
8	FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE					
9						
10	AN ACT					
11	RELATING TO MAGISTRATE COURTS; CLARIFYING THE OPERATIONS OF					
12	CERTAIN MAGISTRATE DISTRICTS; AUTHORIZING A MAGISTRATE JUDGE					
13	TO HEAR CASES IN ANOTHER MAGISTRATE DISTRICT FOR A SPECIFIC					
14	PERIOD OF TIME; AMENDING SECTIONS OF THE NMSA 1978.					
15						
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:					
17	Section 1. Section 35-1-37 NMSA 1978 (being Laws 1968,					
18	Chapter 62, Section 39) is amended to read:					
19	"35-1-37. MAGISTRATE COURTPRESIDING MAGISTRATEIn					
20	magistrate districts where two or more divisions operate [ <del>as a</del>					
21	single court], the director of the administrative office of					
22	the courts shall designate the magistrate of one of the					
23	divisions as "presiding magistrate" to perform administrative					
24	duties prescribed by regulation of the administrative office."					
25	Section 2. Section 35-3-6 NMSA 1978 (being Laws 1968,					
	. 124793. 2					

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Chapter 62, Section 51, as amended) is amended to read:

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"35-3-6. JURI SDI CTI ON- - TERRI TORI AL LI MI TS. - -

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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 [to hear the action] 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

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the defendant for the purpose of service of process upon the
 defendant wherever he resides or may be found within the
 state.

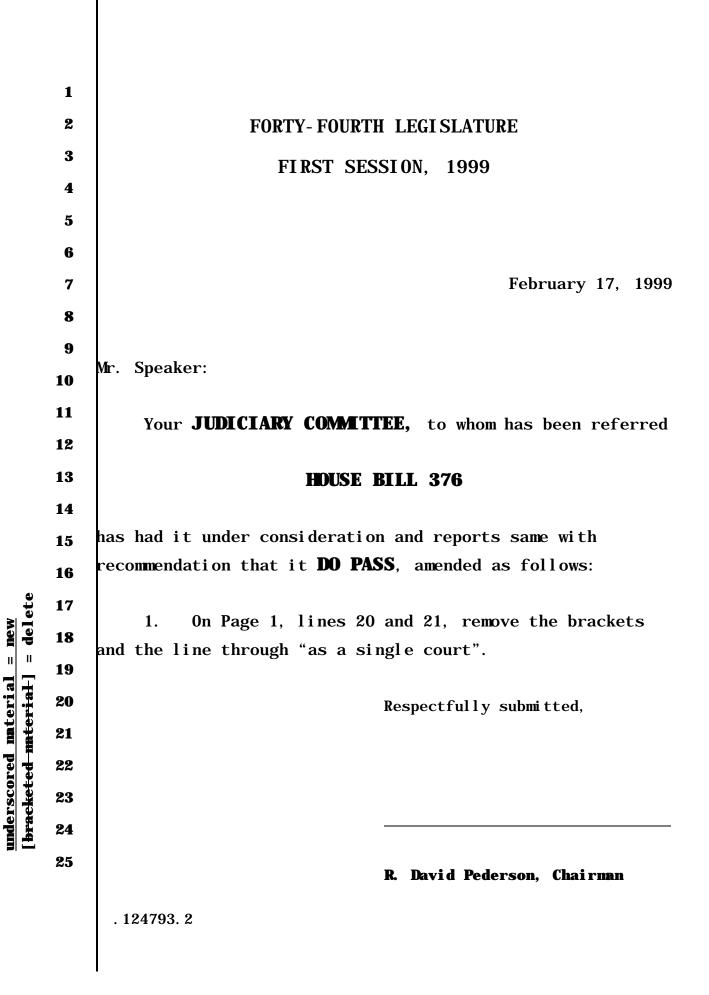
D. In any civil action arising within the
magistrate's territorial jurisdiction, the magistrate court
has personal jurisdiction over the defendant for the purpose
of service of process upon the defendant wherever he resides
or may be found within the state.

9 E. The territorial limitations of magistrate court
10 jurisdiction shall not apply to actions to enforce judgments
11 entered in the magistrate district and writs issued in aid of
12 those actions."

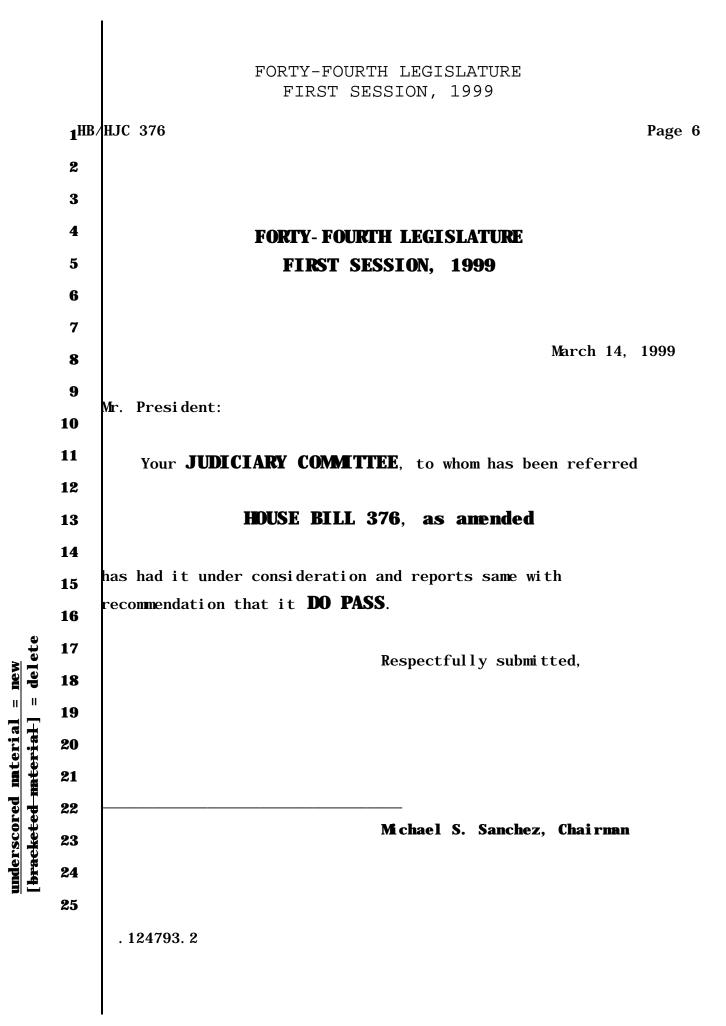
Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1999.

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		1	FORTY-FOURTH LEGISLATURE FIRST SESSION, 1999						
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		3 <sup>HB/</sup>	НЈС 376		Page 5				
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		5	Adopted Not Adopted						
		6							
		7	(Chief Clerk)	(Chief Clerk)					
		8							
		9	Date						
		10							
		11	Fhe roll call vote was <u>10</u> For <u>0</u> Against						
			Yes: 10						
			Excused: Luna, Sanchez						
			Absent: None						
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