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SENATE BILL 595

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO CRIMINAL PROCEDURE; PROVIDING MUNICIPAL LAW ENFORCEMENT OFFICERS THE AUTHORITY TO SERVE A WARRANT IN A COUNTY ADJACENT TO THE MUNICIPALITY ISSUING THE WARRANT; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 35-14-2 NMSA 1978 (being Laws 1961, Chapter 208, Section 2, as amended) is amended to read:

"35-14-2. JURISDICTION. --

A. Each municipal court has jurisdiction over all offenses and complaints under ordinances of the municipality and may issue subpoenas and warrants and punish for contempt.

B. Upon written agreement between a municipal court and the governing body of a county where the municipal court is located or a county adjacent to the county where that

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1 municipal court is located, the municipal court shall have  
2 jurisdiction over all offenses and complaints under ordinances  
3 of the municipality and may issue subpoenas and warrants and  
4 punishment for contempt. A municipal court shall promulgate  
5 the written agreement that it has entered into with a county.

6 [B-] C. Upon written agreement between the board  
7 of regents of a state educational institution designated in  
8 Article 12, Section 11 of the constitution of New Mexico and  
9 the governing body of a municipality contiguous to land under  
10 control of the board of regents or within which any portion of  
11 such land is located, the municipal court has jurisdiction  
12 over violations of campus traffic regulations adopted under  
13 Section 29-5-1 NMSA 1978 as to areas under control of the  
14 board of regents. Fines and forfeitures collected by the  
15 municipal court under campus traffic regulations may be  
16 credited to the state educational institution on whose campus  
17 the violation occurred.

18 [C-] D. Each municipal court's personal  
19 jurisdiction extends to any defendant who has been properly  
20 served with criminal process of the court anywhere in the  
21 state if that criminal process arises out of a charge of  
22 violation of a municipal ordinance prohibiting driving while  
23 under the influence of intoxicating liquor or drugs. "

24 Section 2. Section 35-15-4 NMSA 1978 (being Laws 1884,  
25 Chapter 39, Section 21, as amended) is amended to read:

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1           "35-15-4. SERVICE OF PROCESS. -- [~~Sec. 101.~~] Any  
2     ~~[constable or]~~ sheriff of the county in which a municipality  
3     is located or a county adjacent to the county where the  
4     municipal court is located may serve any process or make any  
5     arrests within his jurisdiction authorized to be made by any  
6     ~~[city or town]~~ municipal law enforcement officer of a  
7     municipality located within an adjacent county; provided that  
8     the municipal court within the adjacent county has entered  
9     into a written agreement with the county exercising  
10    jurisdiction pursuant to the provisions of Section 35-14-2  
11    NMSA 1978. "