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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURTS; PROVIDING THAT MAGISTRATES WHO HOLD OFFICE
IN DISTRICTS WITH A POPULATION OF MORE THAN TWO HUNDRED
THOUSAND PERSONS IN THE LAST FEDERAL DECENNIAL CENSUS MAY BE
ELECTED IN THAT DISTRICT AS LONG AS THERE IS NO BREAK IN
SERVICE.

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

SECTION 1. Section 35-2-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 41, as amended) is amended to read:

"35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--

A. Each magistrate shall be a qualified elector of,
and reside in, the magistrate district for which ~~he~~ the
magistrate is elected or appointed.

B. No person is eligible for election or
appointment to the office of magistrate unless ~~he~~ the person

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1 has graduated from high school or has attained the equivalent
2 of a high school education as indicated by possession of a
3 certificate of equivalency issued by the ~~[state department of]~~
4 public education department based upon the record made on the
5 general educational development test.

6 C. In magistrate districts with a population of
7 more than two hundred thousand persons in the last federal
8 decennial census, no person is eligible for election ~~[or~~
9 ~~appointment]~~ to the office of magistrate unless ~~[he]~~ the
10 person:

11 (1) is a member of the bar of this state and
12 licensed to practice law in this state ~~[but he shall not engage~~
13 ~~in the private practice of law during his tenure in office];~~ or

14 (2) holds the office of magistrate in that
15 district when the federal decennial census is published, as
16 long as there is no break in service.

17 D. In magistrate districts with a population of
18 more than two hundred thousand persons in the last federal
19 decennial census, no person is eligible for appointment to the
20 office of magistrate unless the person is a member of the bar
21 of this state and licensed to practice law in this state.

22 E. A person holding the office of magistrate shall
23 not engage in the private practice of law during tenure in
24 office."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the

.190322.1SA

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1 provisions of this act is July 1, 2013.

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