

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE
FIRST, SECOND, THIRD, FIFTH AND THIRTEENTH JUDICIAL DISTRICTS;
CREATING AN ADDITIONAL BERNALILLO COUNTY METROPOLITAN COURT
JUDGESHIP; CREATING AN ADDITIONAL MAGISTRATE IN THE DONA ANA
DISTRICT; MAKING APPROPRIATIONS.

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

SECTION 1. Section 34-6-4 NMSA 1978 (being Laws 1968,
Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--There shall be
~~eight~~ nine district judges in the first judicial district."

SECTION 2. Section 34-6-5 NMSA 1978 (being Laws 1968,
Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
be ~~twenty-six~~ twenty-nine district judges in the second

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 judicial district."

2 SECTION 3. Section 34-6-6 NMSA 1978 (being Laws 1968,
3 Chapter 69, Section 9, as amended) is amended to read:

4 "34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be
5 [~~eight~~] nine district judges in the third judicial district."

6 SECTION 4. Section 34-6-8 NMSA 1978 (being Laws 1968,
7 Chapter 69, Section 11, as amended) is amended to read:

8 "34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall be
9 [~~ten~~] eleven district judges in the fifth judicial district."

10 SECTION 5. Section 34-6-16 NMSA 1978 (being Laws 1971,
11 Chapter 52, Section 3, as amended) is amended to read:

12 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
13 shall be [~~seven~~] eight district judges in the thirteenth
14 judicial district. The judges of divisions one, three and six
15 shall reside and maintain their principal offices in Valencia
16 county. The judges of divisions two, five, [~~and~~] seven and
17 eight shall reside and maintain their principal offices in
18 Sandoval county. The judge of division four shall reside and
19 maintain the judge's principal offices in Cibola county."

20 SECTION 6. Section 34-8A-8 NMSA 1978 (being Laws 1979,
21 Chapter 346, Section 8, as amended) is amended to read:

22 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

23 A. The name of the metropolitan court in the
24 Bernalillo metropolitan district shall be the "Bernalillo
25 county metropolitan court".

.190324.1SA

underscored material = new
[bracketed material] = delete

1 B. The metropolitan court is an agency of the
2 judicial department of state government. Personnel of the
3 metropolitan court are subject to all laws and regulations
4 applicable to state officers and agencies and state officers
5 and employees, except where otherwise specifically provided by
6 law.

7 C. There shall be [~~nineteen~~] twenty judges of the
8 Bernalillo county metropolitan court."

9 SECTION 7. Section 35-1-10 NMSA 1978 (being Laws 1968,
10 Chapter 62, Section 12, as amended) is amended to read:

11 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There
12 shall be [~~six~~] seven magistrates in Dona Ana magistrate
13 district. Divisions 1, 2, 3, 4, 5, [~~and~~] 6 and 7 shall operate
14 as a single court in Las Cruces and shall rotate riding circuit
15 to Anthony and Hatch on a regularly scheduled basis."

16 SECTION 8. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN
17 JUDGES--APPOINTMENTS.--The additional district and metropolitan
18 judgeships provided for in this act shall be filled by
19 appointment by the governor pursuant to the provisions of
20 Article 6 of the constitution of New Mexico.

21 SECTION 9. TEMPORARY PROVISION--MAGISTRATE--APPOINTMENT
22 AND ELECTION.--The office of magistrate in Dona Ana district,
23 division 7, shall be filled by appointment by the governor.
24 The appointed magistrate shall begin serving on July 1, 2013
25 and shall serve until succeeded by a magistrate elected at the

.190324.1SA

underscored material = new
[bracketed material] = delete

1 general election in 2014. The first full term of office of the
2 elected magistrate shall begin on January 1, 2015.

3 SECTION 10. APPROPRIATIONS.--

4 A. The following amounts are appropriated from the
5 general fund to the following agencies for expenditure in
6 fiscal year 2014 for the following purposes:

7 (1) four hundred twenty-three thousand one
8 hundred dollars (\$423,100) to the first judicial district court
9 for salaries and benefits and furniture, supplies and equipment
10 for one additional district judge and support staff;

11 (2) one million two hundred sixty-nine
12 thousand three hundred dollars (\$1,269,300) to the second
13 judicial district court for salaries and benefits and
14 furniture, supplies and equipment for three additional district
15 judges and support staff;

16 (3) four hundred twenty-three thousand one
17 hundred dollars (\$423,100) to the third judicial district court
18 for salaries and benefits and furniture, supplies and equipment
19 for one additional district judge and support staff;

20 (4) four hundred twenty-three thousand one
21 hundred dollars (\$423,100) to the fifth judicial district court
22 for salaries and benefits and furniture, supplies and equipment
23 for one additional district judge and support staff;

24 (5) four hundred twenty-three thousand one
25 hundred dollars (\$423,100) to the thirteenth judicial district

.190324.1SA

underscoring material = new
~~[bracketed material] = delete~~

1 court for salaries and benefits and furniture, supplies and
2 equipment for one additional district judge and support staff;

3 (6) four hundred one thousand two hundred
4 dollars (\$401,200) to the Bernalillo county metropolitan court
5 for salaries and benefits and furniture, supplies and equipment
6 for one additional metropolitan court judge and support staff;
7 and

8 (7) one hundred eighty-four thousand seven
9 hundred dollars (\$184,700) to the administrative office of the
10 courts for salary and benefits and furniture, supplies and
11 equipment for one additional magistrate in the Dona Ana
12 magistrate district.

13 B. Any unexpended or unencumbered balance remaining
14 at the end of fiscal year 2014 shall revert to the general
15 fund.

16 SECTION 11. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2013.