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HOUSE BILL 297

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO COURTS; INCREASING THE NUMBER OF JUDGES IN THE
SANTA FE MAGISTRATE COURT; PROVIDING FOR APPOINTMENT AND
ELECTION; PROVIDING ADDITIONAL RESOURCES FOR AFFECTED PUBLIC
DEFENDER AND DISTRICT ATTORNEY OFFICES; MAKING APPROPRIATIONS.

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

Section 1. Section 35-1-29 NMSA 1978 (being Laws 1968,
Chapter 62, Section 31, as amended) is amended to read:

"35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT. --There
shall be [~~three~~] four magistrates in Santa Fe magistrate
district divisions 1, 2, [~~and~~] 3 and 4 operating as a single
court in Santa Fe. [~~however, one~~] A magistrate shall ride
circuit to Pojoaque on a regularly scheduled basis. "

Section 2. TEMPORARY PROVISION--MAGISTRATE COURT--
APPOINTMENT AND ELECTION. --

underscored material = new
[bracketed material] = delete

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1 A. The office of magistrate in Santa Fe division 4
2 shall be filled by appointment by the governor to begin serving
3 on July 1, 2003. The appointed magistrate shall serve until
4 succeeded by the magistrate elected at the general election in
5 2004 to fill the unexpired term ending December 31, 2006.

6 B. The first full term of office of magistrate in
7 Santa Fe division 4 shall be filled by election at the general
8 election held in 2006 and that term of office shall begin
9 January 1, 2007.

10 Section 3. APPROPRIATIONS. --

11 A. The following amounts are appropriated from the
12 general fund to the following agencies for expenditure in
13 fiscal year 2004 for costs associated with the additional
14 magistrate judge in the Santa Fe magistrate district:

15 (1) ninety-nine thousand three hundred eighty
16 dollars (\$99,380) to the administrative office of the courts
17 for salaries and benefits and furniture, supplies and equipment
18 for one additional magistrate judge in the Santa Fe magistrate
19 district;

20 (2) seventy-five thousand nine hundred twenty-
21 five dollars (\$75,925) to the first judicial district attorney
22 for salaries and benefits and furniture, supplies and equipment
23 for additional staff due to the increased workload in the Santa
24 Fe magistrate court; and

25 (3) one hundred three thousand dollars

underscored material = new
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1 (\$103,000) to the public defender department for salaries and
2 benefits and furniture, supplies and equipment for additional
3 public defender attorneys and support staff and for costs of
4 contract and conflict counsel due to increased workload in the
5 Santa Fe magistrate court.

6 B. Any unexpended or unencumbered balance remaining
7 from any of the appropriations in this section at the end of
8 fiscal year 2004 shall revert to the general fund.

9 Section 4. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 2003.