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HOUSE BILL 646

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

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO COURTS; INCREASING THE NUMBER OF JUDGES IN THE DONA ANA MAGISTRATE COURT; PROVIDING FOR APPOINTMENT AND ELECTION; INCREASING THE NUMBER OF COURT EMPLOYEES IN THE DONA ANA MAGISTRATE COURT; 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 35-1-10 NMSA 1978 (being Laws 1968, Chapter 62, Section 12, as amended) is amended to read:

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

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1           Section 2.   TEMPORARY PROVISION--MAGISTRATE COURTS--  
2   APPOINTMENTS AND ELECTION. --

3           A.   The office of magistrate in Dona Ana division 6  
4   shall be filled by appointment by the governor to begin serving  
5   on July 1, 2003.   The appointed magistrate shall serve until  
6   succeeded by the magistrate elected at the general election in  
7   2004 to fill the unexpired term ending December 31, 2006.

8           B.   The first full term of office of magistrate in  
9   Dona Ana division 6 shall be filled by election at the general  
10   election held in 2006 and the term of office shall begin  
11   January 1, 2007.

12           Section 3.   APPROPRIATIONS. --

13           A.   The following amounts are appropriated from the  
14   general fund to the following agencies for expenditure in  
15   fiscal year 2004 for costs associated with the additional  
16   magistrate judge in the Dona Ana magistrate district:

17                   (1)   ninety-nine thousand three hundred eighty  
18   dollars (\$99,380) to the administrative office of the courts  
19   for salaries and benefits and furniture, supplies and equipment  
20   for one additional magistrate judge in the Dona Ana magistrate  
21   court;

22                   (2)   two hundred eighty-two thousand four  
23   hundred eighty-six dollars (\$282,486) for salaries and benefits  
24   and furniture, supplies and equipment for six additional court  
25   employees in the Dona Ana magistrate court;

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1 (3) seventy-five thousand nine hundred twenty-  
2 five dollars (\$75,925) to the third judicial district attorney  
3 for salaries and benefits and furniture, supplies and equipment  
4 due to the increased workload in the Dona Ana magistrate court;  
5 and

6 (4) eighty-eight thousand twenty dollars  
7 (\$88,020) to the public defender department for salaries and  
8 benefits and furniture, supplies and equipment for additional  
9 public defender attorneys and support staff and for costs of  
10 contract and conflict counsel due to increased workload in the  
11 Dona Ana magistrate court.

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

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