

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 143

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

AN ACT

RELATING TO COURTS; INCREASING THE NUMBER OF JUDGES IN CERTAIN  
JUDICIAL DISTRICTS AND MAGISTRATE AND METROPOLITAN COURTS;  
ELIMINATING CERTAIN MAGISTRATE COURTS AND JUDGESHIPS;  
INCREASING THE NUMBER OF JUDGES IN CERTAIN MAGISTRATE  
DISTRICTS; PROVIDING FOR THE REALLOCATION OF JUDICIAL  
RESOURCES; PROVIDING ADDITIONAL RESOURCES FOR THE PUBLIC  
DEFENDER DEPARTMENT AND DISTRICT ATTORNEYS AFFECTED BY  
ADDITIONAL JUDGES; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-6 NMSA 1978 (being Laws 1968,  
Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be  
[~~six~~] seven district judges in the third judicial district."

Section 2. Section 34-6-9 NMSA 1978 (being Laws 1968,

1 Chapter 69, Section 12, as amended) is amended to read:

2 "34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall be  
3 [~~two~~] three district judges in the sixth judicial district.  
4 The judge of division 1 shall reside and maintain his principal  
5 office in Grant county."

6 Section 3. Section 34-6-12 NMSA 1978 (being Laws 1968,  
7 Chapter 69, Section 15, as amended) is amended to read:

8 "34-6-12. JUDGES--NINTH JUDICIAL DISTRICT.--There shall  
9 be [~~three~~] four district judges in the ninth judicial district.  
10 The judge of division three shall reside in Curry or Roosevelt  
11 county and maintain his principal office in Roosevelt county.  
12 As used in this section, "maintain his principal office" means  
13 holding court or being available to hold court no less than one  
14 hundred forty days during each calendar year."

15 Section 4. Section 34-6-14 NMSA 1978 (being Laws 1968,  
16 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,  
17 Section 3 and also by Laws 1995, Chapter 179, Section 1) is  
18 amended to read:

19 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There  
20 shall be [~~six~~] eight district judges in the eleventh judicial  
21 district. The judges of divisions one, three, four, [~~and~~] six  
22 and seven shall reside and maintain their principal offices in  
23 San Juan county. The judges of divisions two, [~~and~~] five and  
24 eight shall reside and maintain their principal offices in  
25 McKinley county."

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

3 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT. -- There  
4 shall be [~~five~~] seven district judges in the thirteenth  
5 judicial district. The judges of divisions one, [~~and~~] three  
6 and six shall reside and maintain their principal offices in  
7 Valencia county. The judges of divisions two, [~~and~~] five and  
8 seven shall reside and maintain their principal offices in  
9 Sandoval county. The judge of division four shall reside and  
10 maintain his principal office] offices in Cibola county. "

11 Section 6. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,  
12 Chapter 318, Section 2, as amended) is amended to read:

13 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF  
14 OFFICE--ELECTION. --

15 A. The [~~elected~~] term of office for each judge of  
16 the metropolitan court is four years. Judges shall be  
17 appointed, elected and retained in accordance with Article 6 of  
18 the constitution of New Mexico.

19 B. [~~Any~~] A person appointed to fill a vacancy on  
20 the metropolitan court after January 1, 1989 shall serve until  
21 the next general election. That person's successor shall be  
22 chosen at that general election and shall hold the office until  
23 the general election four years later.

24 [~~C. Judges of the Bernalillo county metropolitan~~  
25 ~~court for divisions thirteen, fourteen and fifteen shall be~~

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1 ~~appointed and shall serve until the 1992 general election.~~  
2 ~~Their successors shall be chosen at that general election and~~  
3 ~~shall hold office until the general election four years later.~~  
4 ~~Additional judges shall be appointed and elected pursuant to~~  
5 ~~Article 6 of the constitution of New Mexico.~~

6 ~~D. A judge of the Bernalillo county metropolitan~~  
7 ~~court for division sixteen shall be appointed and shall serve~~  
8 ~~until the 2000 general election. His successor shall be chosen~~  
9 ~~at that general election and shall hold office until the~~  
10 ~~general election four years later.]"~~

11 Section 7. Section 34-8A-8 NMSA 1978 (being Laws 1979,  
12 Chapter 346, Section 8, as amended) is amended to read:

13 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

14 A. The name of the metropolitan court in the  
15 Bernalillo metropolitan district shall be the "Bernalillo  
16 county metropolitan court".

17 B. The metropolitan court is an agency of the  
18 judicial department of state government. Personnel of the  
19 metropolitan court are subject to all laws and [regulations]  
20 rules applicable to state officers and agencies and state  
21 officers and employees, except where otherwise specifically  
22 provided by law.

23 C. There shall be twenty judges of the Bernalillo  
24 county metropolitan court."

25 Section 8. Section 35-1-7 NMSA 1978 (being Laws 1968,

1 Chapter 62, Section 9, as amended) is amended to read:

2 "35-1-7. MAGISTRATE COURT--COLFAX DISTRICT.--There shall  
3 be two magistrates in Colfax magistrate district, division 1 in  
4 Raton and division 2 in Springer. [~~The magistrates shall ride  
5 circuit to Cimarron on a regularly scheduled basis.~~]"

6 Section 9. Section 35-1-13 NMSA 1978 (being Laws 1968,  
7 Chapter 62, Section 15, as amended) is amended to read:

8 "35-1-13. MAGISTRATE COURT--GUADALUPE DISTRICT.--There  
9 shall be one magistrate in Guadalupe magistrate district [~~whose  
10 principal~~] with a court [is] in Santa Rosa. [~~The magistrate  
11 shall ride circuit to Vaughn on a regularly scheduled basis.~~]"

12 Section 10. Section 35-1-16 NMSA 1978 (being Laws 1968,  
13 Chapter 62, Section 18, as amended) is amended to read:

14 "35-1-16. MAGISTRATE COURT--LEA DISTRICT.--

15 A. Until January 1, 2007, there shall be five  
16 magistrates in Lea magistrate district, division 1 in  
17 Lovington, divisions 2 and 5 operating as a single court in  
18 Hobbs, division 3 in Eunice and division 4 in Tatum. The  
19 division 3 magistrate shall ride circuit to [Jal on a regularly  
20 scheduled basis and shall ride circuit to] Hobbs as needed.

21 B. On January 1, 2007, there shall be four  
22 magistrates in Lea magistrate district, divisions 1 and 2 in  
23 Hobbs, division 3 in Eunice and division 4 in Lovington.

24 C. Magistrate judges shall not be elected at-large  
25 from the district, but shall be elected by the voters of the

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1 division for which the magistrate sits. Magistrate judges  
2 shall reside in their divisions, but shall have district-wide  
3 jurisdiction. For the 2006 and subsequent elections, the  
4 composition of the divisions for elections and residence  
5 purposes is as follows:

6 (1) division 1 is composed of Lea county  
7 precincts 23 through 25, 28 through 30, 32 through 34 and 41  
8 through 44;

9 (2) division 2 is composed of Lea county  
10 precincts 31, 35, 36, 51 through 55 and 61;

11 (3) division 3 is composed of Lea county  
12 precincts 15, 17, 20, 22, 62 and 71 through 74; and

13 (4) division 4 is composed of Lea county  
14 precincts 2, 3, 10 through 14, 16, 18, 21, 26 and 27."

15 Section 11. Section 35-1-20 NMSA 1978 (being Laws 1968,  
16 Chapter 62, Section 22, as amended) is amended to read:

17 "35-1-20. MAGISTRATE COURT--MCKINLEY DISTRICT.--There  
18 shall be three magistrates in McKinley magistrate district,  
19 divisions 1, [~~and~~] 2 and 3 operating as a single court in  
20 Gallup [~~and division 3 in Thoreau~~]."

21 Section 12. Section 35-1-23 NMSA 1978 (being Laws 1968,  
22 Chapter 62, Section 25, as amended) is amended to read:

23 "35-1-23. MAGISTRATE COURT--QUAY DISTRICT.--There shall  
24 be one magistrate in Quay magistrate district [~~whose principal~~]  
25 with a court [is] in Tucumcari. [The magistrate shall ride

1 ~~circuit to San Jon on a regularly scheduled basis.] "~~

2 Section 13. Section 35-1-27 NMSA 1978 (being Laws 1968,  
3 Chapter 62, Section 29, as amended) is amended to read:

4 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION  
5 DIVISION PRECINCTS. --

6 A. There shall be [~~four~~] five magistrate divisions  
7 in San Juan magistrate district, each division having its own  
8 magistrate. Divisions 1 and 4 shall operate as a single court  
9 in Aztec and divisions 2, [~~and~~] 3 and 5 shall operate as a  
10 single court in Farmington. Farmington magistrates shall ride  
11 circuit to Aztec as needed.

12 B. Magistrate judges shall not be elected at large  
13 from the district, but shall be elected by the voters of the  
14 division for which the magistrate sits. Magistrate judges may  
15 reside anywhere within the magistrate district and shall have  
16 district-wide jurisdiction. The composition of the divisions  
17 for elections purposes is:

18 (1) division 1 is composed of San Juan county  
19 precincts [~~47, 59 through 70 and 72 through 76~~] 60 through 69  
20 and 72 through 76;

21 (2) division 2 is composed of San Juan county  
22 precincts [~~2 through 4, 8 through 14, 18, 28 through 31 and 82~~]  
23 2 through 4, 8 through 14, 18, 19 and 82;

24 (3) division 3 is composed of San Juan county  
25 precincts [~~20 through 27, 40 through 46, 49, 51, 52 and 54~~] 20,

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1 22 through 25, 27, 30, 40 through 44, 46, 47 and 49; [~~and~~]

2 (4) division 4 is composed of San Juan county  
3 precincts [~~1, 5 through 7, 15, 16, 19, 53, 55 through 58, 71,~~  
4 ~~79, 81 and 83 through 86~~] 1, 5 through 7, 15, 16, 53, 57, 58,  
5 71, 79, 81 and 83 through 86; and

6 (5) division 5 is composed of San Juan county  
7 precincts 21, 26, 28, 29, 31, 45, 51, 52, 54 through 56, 59 and  
8 70. "

9 Section 14. Section 35-1-29 NMSA 1978 (being Laws 1968,  
10 Chapter 62, Section 31, as amended) is amended to read:

11 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT. --There  
12 shall be [~~three~~] four magistrates in the Santa Fe magistrate  
13 district [~~divisions 1, 2 and 3~~] operating as a single court in  
14 Santa Fe; however, one magistrate shall ride circuit to  
15 Pojoaque on a regularly scheduled basis. "

16 Section 15. TEMPORARY PROVISION--COURT CLOSURES--CLERK  
17 POSITIONS--OTHER RESOURCES. --The magistrate court clerk  
18 positions assigned to the magistrate courts shall not be  
19 decreased as a result of this act, but the administrative  
20 office of the courts shall reassign positions from the  
21 abolished courts to other magistrate courts. The  
22 administrative office of the courts shall reassign other  
23 resources, including furniture, equipment and supplies, to  
24 other magistrate courts as needed.

25 Section 16. TEMPORARY PROVISION--DISTRICT AND

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1 METROPOLITAN JUDGESHI PS-- APPOINTMENTS. --The additional district  
2 and metropolitan judgeships provided for in this act shall be  
3 filled by appointment by the governor pursuant to the  
4 provisions of Article 6 of the constitution of New Mexico.

5 Section 17. TEMPORARY PROVISION--MAGISTRATE COURTS--  
6 APPOINTMENTS AND ELECTION. --

7 A. The offices of magistrate in San Juan division 5  
8 and Santa Fe division 4 shall be filled by appointments by the  
9 governor to begin serving on July 1, 2003. The appointed  
10 magistrates shall serve until succeeded by magistrates elected  
11 at the general election in 2004 to fill the unexpired term  
12 ending December 31, 2006.

13 B. The first full term of office of magistrate in  
14 San Juan division 5 and Santa Fe division 4 shall be filled by  
15 election at the general election held in 2006 and those terms  
16 of office shall begin January 1, 2007.

17 Section 18. APPROPRIATIONS. --

18 A. The following amounts are appropriated from the  
19 general fund to the following agencies for expenditure in  
20 fiscal year 2004 for the following purposes in the third  
21 judicial district:

22 (1) two hundred ninety-three thousand two  
23 hundred ninety dollars (\$293,290) to the third judicial  
24 district court for salaries and benefits and furniture,  
25 supplies and equipment for one additional judge and support

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1 staff;

2 (2) seventy-eight thousand six hundred sixty-  
3 five dollars (\$78,665) to the third judicial district attorney  
4 for salaries and benefits and furniture, supplies and equipment  
5 for additional staff due to increased district court workload;  
6 and

7 (3) one hundred five thousand five hundred  
8 thirty dollars (\$105,530) to the public defender department for  
9 salaries and benefits and furniture, supplies and equipment for  
10 additional public defender attorneys and support staff and for  
11 costs of contract and conflict counsel due to increased  
12 district court workload.

13 B. The following amounts are appropriated from the  
14 general fund to the following agencies for expenditure in  
15 fiscal year 2004 for the following purposes in the sixth  
16 judicial district:

17 (1) two hundred ninety-three thousand two  
18 hundred ninety dollars (\$293,290) to the sixth judicial  
19 district court for salaries and benefits and furniture,  
20 supplies and equipment for one additional judge and support  
21 staff; and

22 (2) seventy-eight thousand six hundred sixty-  
23 five dollars (\$78,665) to the sixth judicial district attorney  
24 for salaries and benefits and furniture, supplies and equipment  
25 for additional staff due to increased district court workload.

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1           C. The following amounts are appropriated from the  
2 general fund to the following agencies for expenditure in  
3 fiscal year 2004 for the following purposes in the ninth  
4 judicial district:

5                   (1) two hundred ninety-three thousand two  
6 hundred eighty-eight dollars (\$293,288) to the ninth judicial  
7 district court for salaries and benefits and furniture,  
8 supplies and equipment for an additional judge and support  
9 staff;

10                   (2) seventy-eight thousand six hundred sixty-  
11 five dollars (\$78,665) to the ninth judicial district attorney  
12 for salaries and benefits and furniture, supplies and equipment  
13 for additional staff due to increased district court workload;  
14 and

15                   (3) one hundred five thousand five hundred  
16 thirty dollars (\$105,530) to the public defender department for  
17 salaries and benefits and furniture, supplies and equipment for  
18 additional public defender attorneys and support staff and for  
19 costs of contract and conflict counsel due to increased  
20 district court workload.

21           D. Five hundred eighty-six thousand five hundred  
22 eighty dollars (\$586,580) is appropriated from the general fund  
23 to the eleventh judicial district court for expenditure in  
24 fiscal year 2004 for salaries and benefits and furniture,  
25 supplies and equipment for two additional judges and support

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1 staff.

2 E. The following amounts are appropriated from the  
3 general fund to the following agencies for expenditure in  
4 fiscal year 2004 for the following purposes in the thirteenth  
5 judicial district:

6 (1) five hundred eighty-six thousand five  
7 hundred eighty dollars (\$586,580) to the thirteenth judicial  
8 district court for salaries and benefits and furniture,  
9 supplies and equipment for two additional judges and support  
10 staff; and

11 (2) one hundred fifty-seven thousand three  
12 hundred thirty dollars (\$157,330) to the thirteenth judicial  
13 district attorney for salaries and benefits and furniture,  
14 supplies and equipment for additional staff due to increased  
15 workload in division one.

16 F. The following amounts are appropriated from the  
17 general fund to the following agencies for expenditure in  
18 fiscal year 2004 for increased costs in the Bernalillo county  
19 metropolitan court:

20 (1) two hundred seventy-four thousand sixty-  
21 five dollars (\$274,065) to the Bernalillo county metropolitan  
22 court for salaries and benefits and furniture, supplies and  
23 equipment for a judge and support staff in division seventeen;

24 (2) two hundred seventy-four thousand sixty-  
25 five dollars (\$274,065) to the Bernalillo county metropolitan

1 court for salaries and benefits and furniture, supplies and  
2 equipment for a judge and support staff in division eighteen;

3 (3) two hundred seventy-four thousand sixty-  
4 five dollars (\$274,065) to the Bernalillo county metropolitan  
5 court for salaries and benefits and furniture, supplies and  
6 equipment for a judge and support staff in division nineteen;

7 (4) two hundred seventy-four thousand sixty-  
8 five dollars (\$274,065) to the Bernalillo county metropolitan  
9 court for salaries and benefits and furniture, supplies and  
10 equipment for a judge and support staff in division twenty;

11 (5) four hundred nineteen thousand eight  
12 hundred thirty dollars (\$419,830) to the second judicial  
13 district attorney for salaries and benefits and furniture,  
14 supplies and equipment for additional staff due to increased  
15 metropolitan court workload; and

16 (6) four hundred fifty-eight thousand dollars  
17 (\$458,000) to the public defender department for salaries and  
18 benefits and furniture, supplies and equipment for additional  
19 public defender attorneys and support staff and for costs of  
20 contract and conflict counsel due to increased metropolitan  
21 court workload.

22 G. The following amounts are appropriated from the  
23 general fund to the following agencies for expenditure in  
24 fiscal year 2004 for costs associated with the additional  
25 magistrate judge in San Juan magistrate district:

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1                   (1) ninety-nine thousand three hundred eighty  
2 dollars (\$99,380) to the administrative office of the courts  
3 for salaries and benefits and furniture, supplies and equipment  
4 for one additional magistrate judge in the San Juan magistrate  
5 district;

6                   (2) seventy-five thousand nine hundred twenty-  
7 five dollars (\$75,925) to the eleventh judicial district  
8 attorney for salaries and benefits and furniture, supplies and  
9 equipment due to the increased workload in the San Juan  
10 magistrate district; and

11                   (3) eighty-eight thousand twenty dollars  
12 (\$88,020) to the public defender department for salaries and  
13 benefits and furniture, supplies and equipment for additional  
14 public defender attorneys and support staff and for costs of  
15 contract and conflict counsel due to increased workload in the  
16 San Juan magistrate district.

17                   H. The following amounts are appropriated from the  
18 general fund to the following agencies for expenditure in  
19 fiscal year 2004 for costs associated with the additional  
20 magistrate judge in Santa Fe magistrate district:

21                   (1) ninety-nine thousand three hundred eighty  
22 dollars (\$99,380) to the administrative office of the courts  
23 for salaries and benefits and furniture, supplies and equipment  
24 for one additional magistrate judge in the Santa Fe magistrate  
25 district;

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

6 (3) one hundred three thousand dollars  
7 (\$103,000) 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 Santa Fe magistrate court.

12 I. 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 19. EFFECTIVE DATE. --The effective date of the  
16 provisions of this act is July 1, 2003.

underscoring material = new  
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