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AN ACT
RELATING TO DOMESTIC VIOLENCE; CREATING DOMESTIC VIOLENCE
SPECIAL COMMISSIONERS; PROVIDING POWERS AND DUTIES;
ELIMINATING THE DOMESTIC VIOLENCE PILOT PROGRAM IN THE
ELEVENTH JUDICIAL DISTRICT.

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

Section 1. A new section of the Family Violence
Protection Act is enacted to read:

"DOMESTIC VIOLENCE SPECIAL COMMISSIONERS--APPOINTMENT--
QUALIFICATIONS.--

A. A domestic violence special commissioner shall
be appointed by and serve at the pleasure of the chief judge
of the judicial district to which the officer is assigned.

B. A domestic violence special commissioner shall:

(1) be an attorney licensed to practice law
in New Mexico;

(2) have a minimum of three years experience
in the practice of law and be knowledgeable in the area of
domestic relations and domestic violence matters; and

(3) conform to Canons 21-100 through 21-500
and 21-700 of the Code of Judicial Conduct as adopted by the
supreme court. Violation of any such canon shall be grounds
for dismissal of any domestic violence special commissioner."

Section 2. A new section of the Family Violence

1 Protection Act is enacted to read:

2 "SPECIAL COMMISSIONERS--POWERS--DUTIES.--

3 A. A domestic violence special commissioner shall
4 perform the following duties in carrying out the provisions
5 of the Family Violence Protection Act:

6 (1) review petitions for orders of
7 protection and motions to enforce, modify or terminate orders
8 of protection;

9 (2) if deemed necessary, interview
10 petitioners. Any interview shall be on the record;

11 (3) conduct hearings on the merits of
12 petitions for orders of protection and motions to enforce,
13 modify or terminate orders of protection; and

14 (4) prepare recommendations to the district
15 court regarding petitions for orders of protection and
16 motions to enforce, modify or terminate orders of protection.

17 B. All orders must be signed by a district court
18 judge before the recommendations of a domestic violence
19 special commissioner become effective."

20 Section 3. REPEAL.--Section 40-13-8 NMSA 1978 (being
21 Laws 1992, Chapter 107, Section 1) is repealed.

22 Section 4. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2005. _____