

HOUSE BILL 484

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO COURTS; PROVIDING NO RIGHT TO A JURY TRIAL IN  
MAGISTRATE COURT FOR PENALTY ASSESSMENT MISDEMEANORS OR FOR  
OFFENSES THAT DO NOT PRESCRIBE INCARCERATION AS A PENALTY;  
DECLARING AN EMERGENCY.

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

Section 1. Section 35-8-1 NMSA 1978 (being Laws 1968,  
Chapter 62, Section 108, as amended) is amended to read:

"35-8-1. MAGISTRATE JURY--RIGHT TO TRIAL BY JURY.--Except  
for contempt of the magistrate court, penalty assessment  
misdemeanors or offenses that do not prescribe incarceration as  
a penalty, the right to trial by jury exists in all actions in  
the magistrate court ~~[which]~~ that are within magistrate trial  
jurisdiction."

Section 2. EMERGENCY.--It is necessary for the public

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1 peace, health and safety that this act take effect immediately.

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