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HOUSE BILL 812

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

INTRODUCED BY

Henry 'Kiki' Saavedra

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE
FIRST, SECOND, THIRD, EIGHTH AND THIRTEENTH JUDICIAL DISTRICTS;
CREATING AN ADDITIONAL BERNALILLO METROPOLITAN COURT JUDGESHIP;
CREATING AN ADDITIONAL MAGISTRATE IN THE DONA ANA MAGISTRATE
DISTRICT; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-4 NMSA 1978 (being Laws 1968,
Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--There shall be
[~~seven~~] eight district judges in the first judicial district."

Section 2. Section 34-6-5 NMSA 1978 (being Laws 1968,
Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
be [~~twenty-six~~] twenty-seven district judges in the second

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1 judicial district."

2 Section 3. Section 34-6-6 NMSA 1978 (being Laws 1968,
3 Chapter 69, Section 9, as amended) is amended to read:

4 "34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be
5 [~~eight~~] nine district judges in the third judicial district."

6 Section 4. Section 34-6-11 NMSA 1978 (being Laws 1968,
7 Chapter 69, Section 14, as amended) is amended to read:

8 "34-6-11. JUDGES--EIGHTH JUDICIAL DISTRICT.--There shall
9 be [~~two~~] three district judges in the eighth judicial district
10 [~~serving divisions one and two~~]. One of the judges shall
11 maintain [~~his~~] the judge's principal office in Colfax or Union
12 county and the other [~~judge~~] two judges shall maintain [~~his~~]
13 their principal [~~office~~] offices in Taos county. The chief
14 judge of the eighth judicial district shall be selected by a
15 majority of the district judges in that district. In the event
16 of a tie, the senior judge shall be the chief judge."

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

19 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
20 shall be [~~seven~~] eight district judges in the thirteenth
21 judicial district. The judges of divisions one, three and six
22 shall reside and maintain their principal offices in Valencia
23 county. The judges of divisions two, five and seven shall
24 reside and maintain their principal offices in Sandoval county.
25 The [~~judge~~] judges of [~~division~~] divisions four and eight shall

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1 reside and maintain [~~the judge's~~] their principal offices in
2 Cibola county."

3 Section 6. Section 34-8A-8 NMSA 1978 (being Laws 1979,
4 Chapter 346, Section 8, as amended) is amended to read:

5 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

6 A. The name of the metropolitan court in the
7 Bernalillo metropolitan district shall be the "Bernalillo
8 county metropolitan court".

9 B. The metropolitan court is an agency of the
10 judicial department of state government. Personnel of the
11 metropolitan court are subject to all laws and regulations
12 applicable to state officers and agencies and state officers
13 and employees, except where otherwise specifically provided by
14 law.

15 C. There shall be [~~nineteen~~] twenty judges of the
16 Bernalillo county metropolitan court."

17 Section 7. Section 35-1-10 NMSA 1978 (being Laws 1968,
18 Chapter 62, Section 12, as amended) is amended to read:

19 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There
20 shall be [~~five~~] six magistrates in Dona Ana magistrate
21 district. Divisions 1, 2, 3, 4, [~~and~~] 5 and 6 shall operate as
22 a single court in Las Cruces and shall rotate riding circuit to
23 Anthony and Hatch on a regularly scheduled basis."

24 Section 8. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN
25 JUDGES--APPOINTMENTS.--The additional district and metropolitan

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1 judgeships provided for in this 2009 act shall be filled by
2 appointment by the governor pursuant to the provisions of
3 Article 6 of the constitution of New Mexico.

4 Section 9. TEMPORARY PROVISION--MAGISTRATE COURTS--
5 APPOINTMENTS AND ELECTIONS.--The office of magistrate in Dona
6 Ana district, division 6 shall be filled by appointment by the
7 governor. The appointed magistrate shall begin serving on July
8 1, 2009 and shall serve until succeeded by a magistrate elected
9 at the general election in 2010. The first full term of office
10 of the elected magistrate shall begin on January 1, 2011.

11 Section 10. APPROPRIATIONS.--

12 A. The following amounts are appropriated from the
13 general fund to the following agencies for expenditure in
14 fiscal year 2010 for the following purposes:

15 (1) four hundred twenty-three thousand eighty-
16 seven dollars (\$423,087) to the first judicial district for
17 salaries and benefits and furniture, supplies and equipment for
18 one additional district judge and support staff;

19 (2) four hundred twenty-three thousand eighty-
20 seven dollars (\$423,087) to the second judicial district for
21 salaries and benefits and furniture, supplies and equipment for
22 one additional district judge and support staff;

23 (3) four hundred twenty-three thousand eighty-
24 seven dollars (\$423,087) to the third judicial district for
25 salaries and benefits and furniture, supplies and equipment for

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1 one additional district judge and support staff;

2 (4) four hundred twenty-three thousand eighty-
3 seven dollars (\$423,087) to the eighth judicial district for
4 salaries and benefits and furniture, supplies and equipment for
5 one additional district judge and support staff;

6 (5) four hundred twenty-three thousand eighty-
7 seven dollars (\$423,087) to the thirteenth judicial district
8 for salaries and benefits and furniture, supplies and equipment
9 for one additional district judge and support staff;

10 (6) four hundred one thousand two hundred
11 eight dollars (\$401,208) to the Bernalillo county metropolitan
12 court for salaries and benefits and furniture, supplies and
13 equipment for one additional judge and support staff; and

14 (7) one hundred eighty-four thousand seven
15 hundred ten dollars (\$184,710) to the administrative office of
16 the courts for salary and benefits and furniture, supplies and
17 equipment for one additional magistrate judge in the Dona Ana
18 magistrate district.

19 B. Any unexpended or unencumbered balance remaining
20 at the end of fiscal year 2010 shall revert to the general
21 fund.

22 Section 11. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2009.