

1 HOUSE BILL 275

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Andy Nuñez

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10 AN ACT

11 RELATING TO THE JUDICIARY; REVISING THE QUALIFICATIONS TO SERVE  
12 AS MAGISTRATE; DECLARING AN EMERGENCY.

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

15 SECTION 1. Section 35-2-1 NMSA 1978 (being Laws 1968,  
16 Chapter 62, Section 41, as amended) is amended to read:

17 "35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--Each  
18 magistrate shall be a qualified elector of, and reside in, the  
19 magistrate district for which ~~[he]~~ the magistrate is elected or  
20 appointed. No person is eligible for election or appointment  
21 to the office of magistrate unless ~~[he]~~ the person has  
22 graduated from high school or has attained the equivalent of a  
23 high school education as indicated by possession of a general  
24 educational development certificate ~~[of equivalency]~~ issued by  
25 the ~~[state department of]~~ public education department based

.184432.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 upon the record made on the general educational development  
2 test. [~~In magistrate districts with a population of more than~~  
3 ~~two hundred thousand persons in the last federal decennial~~  
4 ~~census, no person is eligible for election or appointment to~~  
5 ~~the office of magistrate unless he is a member of the bar of~~  
6 ~~this state and licensed to practice law in this state, but he~~  
7 ~~shall not engage in the private practice of law during his~~  
8 ~~tenure in office.]"~~

9 SECTION 2. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is April 1, 2011.

11 SECTION 3. EMERGENCY.--It is necessary for the public  
12 peace, health and safety that this act take effect immediately.

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