

1 HOUSE BILL 371

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Jane E. Powdrell-Culbert

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10 AN ACT

11 RELATING TO COURTS; AMENDING THE ELIGIBILITY REQUIREMENTS FOR
12 MAGISTRATES TO REQUIRE A BACHELOR'S DEGREE.

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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.--

18 A. Each magistrate shall be a qualified elector of,
19 and reside in, the magistrate district for which the magistrate
20 is elected or appointed.

21 B. No person is eligible for election or
22 appointment to the office of magistrate unless the person [~~has~~
23 ~~graduated from high school or has attained the equivalent of a~~
24 ~~high school education as indicated by possession of a~~
25 ~~certificate of equivalency issued by the public education~~

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1 ~~department based upon the record made on the general~~
2 ~~educational development test] holds:~~

3 (1) a bachelor's degree from an accredited
4 college or university; or

5 (2) the office of magistrate, as long as
6 there is no break in service.

7 C. In magistrate districts with a population of
8 more than two hundred thousand persons in the last federal
9 decennial census, no person is eligible for election to the
10 office of magistrate unless the person:

11 (1) is a member of the bar of this state and
12 licensed to practice law in this state; or

13 (2) holds the office of magistrate in that
14 district when the federal decennial census is published, as
15 long as there is no break in service.

16 D. In magistrate districts with a population of
17 more than two hundred thousand persons in the last federal
18 decennial census, no person is eligible for appointment to the
19 office of magistrate unless the person is a member of the bar
20 of this state and licensed to practice law in this state.

21 E. A person holding the office of magistrate shall
22 not engage in the private practice of law during tenure in
23 office."