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SENATE JOINT RESOLUTION 1

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Peter Wirth and Antonio "Moe" Maestas

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO TO GIVE THE LEGISLATURE AUTHORITY TO PROVIDE FOR APPELLATE JURISDICTION BY STATUTE.

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

SECTION 1. It is proposed to amend Article 6, Section 2 of the constitution of New Mexico to read:

~~"[Appeals from a judgment of the district court imposing a sentence of death or life imprisonment shall be taken directly to the supreme court. In all other cases, criminal and civil]~~
The supreme court shall exercise appellate jurisdiction of district court cases as ~~[may be]~~ provided by law; provided that an aggrieved party shall have an absolute right to one appeal."

SECTION 2. It is proposed to amend Article 6, Section 13 of the constitution of New Mexico to read:

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1 "The district court shall have original jurisdiction in
2 all matters and causes not excepted in this constitution, and
3 such jurisdiction of special cases and proceedings as [~~may be~~
4 ~~conferred~~] provided by law, and appellate jurisdiction of all
5 cases originating in inferior courts and tribunals in their
6 respective districts as provided by law, and supervisory
7 control over the same. The district courts, or any judge
8 thereof, shall have power to issue writs of habeas corpus,
9 mandamus, injunction, quo warranto, certiorari, prohibition and
10 all other writs, remedial or otherwise, in the exercise of
11 their jurisdiction; provided that no such writs shall issue
12 directed to judges or courts of equal or superior jurisdiction.
13 The district courts shall also have the power of naturalization
14 in accordance with the laws of the United States. Until
15 otherwise provided by law, at least two terms of the district
16 court shall be held annually in each county, at the county
17 seat."

18 **SECTION 3.** It is proposed to amend Article 6, Section 27
19 of the constitution of New Mexico to read:

20 "Appeals shall be allowed in all cases from the final
21 judgments and decisions of the probate courts and other
22 inferior courts [~~to the district courts, and in all such~~
23 ~~appeals, trial shall be had de novo unless otherwise~~] as
24 provided by law."

25 **SECTION 4.** The amendment proposed by this resolution

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1 shall be submitted to the people for their approval or
2 rejection at the next general election or at any special
3 election prior to that date that may be called for that
4 purpose.

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