

1 SENATE JOINT RESOLUTION 8

2 54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

3 INTRODUCED BY

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8 ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 6, SECTION 23 OF THE CONSTITUTION OF
12 NEW MEXICO TO ALLOW THE LEGISLATURE TO PROVIDE COUNTY
13 COMMISSIONS THE OPTION TO TRANSFER PROBATE JURISDICTION TO A
14 STATE COURT UPON APPROVAL OF THE SUPREME COURT.

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

17 SECTION 1. It is proposed to amend Article 6, Section 23
18 of the constitution of New Mexico to read:

19 "A probate court is hereby established for each county,
20 which shall be a court of record, and, until otherwise provided
21 by law, shall have the same jurisdiction as heretofore
22 exercised by the probate courts of New Mexico and shall also
23 have jurisdiction to determine heirship with respect to real
24 property in all proceedings for the administration of
25 decedents' estates. The legislature may provide county

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1 commissions the authority to close a probate court of the
2 county and transfer its jurisdiction to a state court upon
3 approval of the supreme court. The legislature shall have
4 power from time to time to confer upon the probate court in any
5 county in this state jurisdiction to determine heirship in all
6 probate proceedings, and shall have power also from time to
7 time to confer upon the probate court in any county in this
8 state general civil jurisdiction coextensive with the county;
9 provided, however, that such court shall not have jurisdiction
10 in civil causes in which the matter in controversy shall exceed
11 in value three thousand dollars [~~(\$3,000.00)~~] (\$3,000)
12 exclusive of interest and cost; nor in any action for malicious
13 prosecution, slander and libel; nor in any action against
14 officers for misconduct in office; nor in any action for the
15 specific performance of contracts for the sale of real estate;
16 nor in any action for the possession of land; nor in any matter
17 wherein the title or boundaries of land may be in dispute or
18 drawn in question, except as title to real property may be
19 affected by the determination of heirship; nor to grant writs
20 of injunction, habeas corpus or extraordinary writs.
21 Jurisdiction may be conferred upon the judges of said court to
22 act as examining and committing magistrates in criminal cases,
23 and upon said courts for the trial of misdemeanors in which the
24 punishment cannot be imprisonment in the penitentiary, or in
25 which the fine cannot be in excess of one thousand dollars

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1 (\$1,000). A jury for the trial of such cases shall consist of
2 six ~~men~~ persons. The legislature shall prescribe the
3 qualifications and fix the compensation of probate judges."

4 SECTION 2. The amendment proposed by this resolution
5 shall be submitted to the people for their approval or
6 rejection at the next general election or at any special
7 election prior to that date that may be called for that
8 purpose.

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