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SENATE BILL 729

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO MAGISTRATE COURT; MAKING MAGISTRATE COURT A COURT OF
RECORD; MAKING AN APPROPRIATION.

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

Section 1. Section 35-1-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 3) is amended to read:

"35-1-1. MAGISTRATE COURT--ESTABLISHMENT.--There is
established the "magistrate court" as a court of limited
original jurisdiction within the judicial department of the
state government. Personnel of the magistrate court are subject
to all laws and regulations applicable to other state offices
and agencies and to other state officers and employees except
where otherwise provided by law. The magistrate court is [not]
a court of record."

Section 2. Section 35-13-2 NMSA 1978 (being Laws 1975,

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1 Chapter 242, Section 10, as amended) is amended to read:

2 "35-13-2. APPEALS--DISTRICT COURT PROCEEDINGS--DOCKET
3 FEES--JUDGMENT.--

4 [~~A.~~ Appeals from the magistrate courts shall be
5 tried de novo in the district court.

6 B.] A. The district court docket fee in any criminal
7 appeal is thirty-five dollars (\$35.00), ten dollars (\$10.00) of
8 which shall be deposited in the court automation fund.

9 [~~C.~~ B. If the judgment of the magistrate court in a
10 criminal action is affirmed or rendered against the appellant on
11 appeal or if the appellant fails to appear at the time fixed for
12 hearing in the district court, the district court shall enter
13 judgment imposing the same, a greater or a lesser penalty as
14 that imposed in the magistrate court in the action. "

15 Section 3. APPROPRIATION.--Eight hundred thousand dollars
16 (\$800,000) is appropriated from the general fund to the
17 administrative office of the courts for expenditure in fiscal
18 year 1998 for magistrate court costs related to workload
19 increases due to making magistrate courts a court of record.
20 Any unexpended or unencumbered balance remaining at the end of
21 fiscal year 1998 shall revert to the general fund.

22 Section 4. REPEAL.--Section 35-13-3 NMSA 1978 (being Laws
23 1968, Chapter 62, Section 151) is repealed.

24 Section 5. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 1997.

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