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SENATE JOINT RESOLUTION 5

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

INTRODUCED BY
PETE CAMPOS

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 6, SECTION 32 OF THE
CONSTITUTION OF NEW MEXICO TO ADD A MAGISTRATE AS A MEMBER OF
THE JUDICIAL STANDARDS COMMISSION.

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

Section 1. It is proposed to amend Article 6, Section 32
of the constitution of New Mexico to read:

"There is created the "judicial standards commission",
consisting of two justices or judges, one magistrate and two
lawyers selected as may be provided by law to serve for terms of
four years, and five citizens, none of whom is a justice, judge
or magistrate of any court or licensed to practice law in this
state, who shall be appointed by the governor for five-year
staggered terms as may be provided by law. If a position on the
commission becomes vacant for any reason, the successor shall be

Underscored material = new
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1 selected by the original appointing authority in the same manner
2 as the original appointment was made and shall serve for the
3 remainder of the term vacated. No act of the commission is
4 valid unless concurred in by a majority of its members. The
5 commission shall select one of the members appointed by the
6 governor to serve as chairman.

7 In accordance with this section, any justice, judge or
8 magistrate of any court may be disciplined or removed for
9 willful misconduct in office, persistent failure or inability to
10 perform a judge's duties, or habitual intemperance, or he may be
11 retired for disability seriously interfering with the
12 performance of his duties that is, or is likely to become, of a
13 permanent character. The commission may, after investigation it
14 deems necessary, order a hearing to be held before it concerning
15 the discipline, removal or retirement of a justice, judge or
16 magistrate, or the commission may appoint three masters who are
17 justices or judges of courts of record to hear and take evidence
18 in the matter and to report their findings to the commission.
19 After hearing or after considering the record and the findings
20 and report of the masters, if the commission finds good cause,
21 it shall recommend to the supreme court the discipline, removal
22 or retirement of the justice, judge or magistrate.

23 The supreme court shall review the record of the
24 proceedings on the law and facts and may permit the introduction
25 of additional evidence, and it shall order the discipline,

1 removal or retirement as it finds just and proper or wholly
2 reject the recommendation. Upon an order for his retirement,
3 any justice, judge or magistrate participating in a statutory
4 retirement program shall be retired with the same rights as if
5 he had retired pursuant to the retirement program. Upon an
6 order for removal, the justice, judge or magistrate shall
7 thereby be removed from office, and his salary shall cease from
8 the date of the order.

9 All papers filed with the commission or its masters, and
10 proceedings before the commission or its masters, are
11 confidential. The filing of papers and giving of testimony
12 before the commission or its masters is privileged in any action
13 for defamation, except that the record filed by the commission
14 in the supreme court continues privileged but, upon its filing,
15 loses its confidential character, and a writing which was
16 privileged prior to its filing with the commission or its
17 masters does not lose its privilege by the filing. The
18 commission shall promulgate regulations establishing procedures
19 for hearings under this section. No justice or judge who is a
20 member of the commission or supreme court shall participate in
21 any proceeding involving his own discipline, removal or
22 retirement.

23 This section is alternative to, and cumulative with, the
24 removal of justices, judges and magistrates by impeachment and
25 the original superintending control of the supreme court."

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Section 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date which may be called for that purpose.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SJR 5/a

February 5, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE JOINT RESOLUTION 5

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 12, after the word "ADD" insert "AN
ADDITIONAL CITIZEN AND".

2. On page 1, line 12, strike the words "A MEMBER" and
insert in lieu thereof the word "MEMBERS".

3. On page 1, line 21, strike "five" and insert in lieu
thereof "six",

and thence referred to the RULES COMMITTEE.

Respectfully submitted,

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Fernando R Maci as, Chair man

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Vernon, Maci as

Absent: None

SJR0005JU1

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

3 %%% Page 7

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6 FORTY-THIRD LEGISLATURE
7 FIRST SESSION, 1997

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10 February 22, 1997

11
12 Mr. President:

13
14 Your RULES COMMITTEE, to whom has been referred

15
16 SENATE JOINT RESOLUTION 5, as amended

17
18 has had it under consideration and reports same with
19 recommendation that it DO PASS.

20
21 Respectfully submitted,

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25 _____
Gloria Howes, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Altamirano, Aragon

Absent: None

SJR05RU1

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
SENATE JOINT RESOLUTION 5, as amended
has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, King, Luna, Rios, Sanchez

Absent: None

M \SJR05

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

**State of New Mexico
House of Representatives**

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 14, 1997

Mr. Speaker:

**Your JUDICIARY COMMITTEE, to whom has been referred
SENATE JOINT RESOLUTION 5, as amended
has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

**Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)**

Date _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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The roll call vote was 8 For 0 Against
Yes: 8
Excused: Alwin, King, Luna, Rios, Sanchez
Absent: None

M \SJR05

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