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HOUSE BILL 522

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Henry "Kiki" Saavedra

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE SECOND, SIXTH AND ELEVENTH JUDICIAL DISTRICT COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE BERNALILLO COUNTY METROPOLITAN COURT; CREATING ADDITIONAL JUDGESHIPS IN THE DONA ANA, SAN JUAN AND SANTA FE MAGISTRATE COURTS; PROVIDING FOR ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND PUBLIC DEFENDERS; AMENDING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-5 NMSA 1978 (being Laws 1968, Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall be [~~twenty-three~~] twenty-five district judges in the second judicial district."

Section 2. Section 34-6-9 NMSA 1978 (being Laws 1968,

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1 Chapter 69, Section 12, as amended) is amended to read:

2 "34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall  
3 be ~~[two]~~ three district judges in the sixth judicial district.  
4 The judge of division 1 shall reside and maintain his  
5 principal office in Grant county."

6 Section 3. Section 34-6-14 NMSA 1978 (being Laws 1968,  
7 Chapter 69, Section 17, as amended by Laws 1995, Chapter 178,  
8 Section 3 and also by Laws 1995, Chapter 179, Section 1) is  
9 amended to read:

10 "34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There  
11 shall be ~~[six]~~ seven district judges in the eleventh judicial  
12 district. The judges of divisions one, three, four and six  
13 shall reside and maintain their principal offices in San Juan  
14 county. The judges of divisions two, ~~[and]~~ five and seven  
15 shall reside and maintain their principal offices in McKinley  
16 county."

17 Section 4. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,  
18 Chapter 318, Section 2, as amended) is amended to read:

19 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF OFFICE--  
20 ELECTION.--

21 A. The elected term of office for each judge of  
22 the metropolitan court is four years.

23 ~~[B.—Judges of the metropolitan court who have been~~  
24 ~~previously elected in a partisan election or who were serving~~  
25 ~~as metropolitan judges on January 1, 1989 in divisions one~~

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1 ~~through twelve shall be subject to retention or rejection on a~~  
2 ~~nonpartisan ballot at the 1990 general election for a four-~~  
3 ~~year term ending December 31, 1994.~~

4           ~~C.]~~ B. Any person appointed to fill a vacancy on  
5 the metropolitan court after January 1, 1989 shall serve until  
6 the next general election. That person's successor shall be  
7 chosen at that general election and shall hold the office  
8 until the general election four years later.

9           ~~[D.]~~ C. Judges of the Bernalillo county  
10 metropolitan court for divisions thirteen, fourteen and  
11 fifteen shall be appointed and shall serve until the 1992  
12 general election. Their successors shall be chosen at that  
13 general election and shall hold office until the general  
14 election four years later. Additional judges shall be  
15 appointed and elected pursuant to Article 6 of the  
16 constitution of New Mexico.

17           D. A judge of the Bernalillo county metropolitan  
18 court for division sixteen shall be appointed and shall serve  
19 until the 2000 general election. His successor shall be  
20 chosen at that general election and shall hold office until  
21 the general election four years later.

22           E. A judge of the Bernalillo county metropolitan  
23 court for division seventeen shall be appointed and shall  
24 serve until the 2000 general election. His successor shall be  
25 chosen at that general election and shall hold office until

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1 the general election four years later.

2 F. A judge of the Bernalillo county metropolitan  
3 court for division eighteen shall be appointed and shall serve  
4 until the 2000 general election. His successor shall be  
5 chosen at that general election and shall hold office until  
6 the general election four years later.

7 G. A judge of the Bernalillo county metropolitan  
8 court for division nineteen shall be appointed and shall serve  
9 until the 2000 general election. His successor shall be  
10 chosen at that general election and shall hold office until  
11 the general election four years later. "

12 Section 5. Section 35-1-10 NMSA 1978 (being Laws 1968,  
13 Chapter 62, Section 12, as amended) is amended to read:

14 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There  
15 shall be [~~three~~] five magistrates in Dona Ana magistrate  
16 district, divisions 1, 2, [~~and~~] 3 [~~operating~~] and 4 shall  
17 operate as a single court in Las Cruces, [~~The magistrates~~] and  
18 shall rotate riding circuit to [~~Anthony and~~] Hatch on a  
19 regularly scheduled basis. Division 5 shall operate as a  
20 single court in Anthony. "

21 Section 6. Section 35-1-27 NMSA 1978 (being Laws 1968,  
22 Chapter 62, Section 29, as amended) is amended to read:

23 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT.--There  
24 shall be [~~three~~] five magistrates in San Juan magistrate  
25 district, division 1 in Aztec and divisions 2, [~~and~~] 3, 4 and

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1 5 operating as a single court in Farmington. "

2 Section 7. Section 35-1-29 NMSA 1978 (being Laws 1968,  
3 Chapter 62, Section 31, as amended) is amended to read:

4 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There  
5 shall be [~~three~~] four magistrates in Santa Fe magistrate  
6 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single  
7 court in Santa Fe; however, one magistrate shall ride circuit  
8 to Pojoaque on a regularly scheduled basis. "

9 Section 8. TEMPORARY PROVISION--DISTRICT COURTS--  
10 APPOINTMENT.--The additional district judgeships provided for  
11 in this act shall be filled by appointment by the governor  
12 pursuant to the provisions of Article 6 of the constitution of  
13 New Mexico for terms beginning on July 1, 1999.

14 Section 9. TEMPORARY PROVISION--BERNALILLO COUNTY  
15 METROPOLITAN COURT--NIGHT COURT.--One of the additional  
16 judgeships provided for the Bernalillo county metropolitan  
17 court shall preside over the operation of a night court.

18 Section 10. TEMPORARY PROVISION--BERNALILLO COUNTY  
19 METROPOLITAN COURT--DRUG COURT.--One of the additional  
20 judgeships provided for the Bernalillo county metropolitan  
21 court shall preside over the operation of a drug court.

22 Section 11. TEMPORARY PROVISION--MAGISTRATE COURTS--  
23 APPOINTMENT--ELECTION.--The additional magistrate judgeships  
24 provided for in this act shall be filled by appointment by the  
25 governor. The appointed magistrates shall begin serving on

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1 July 1, 1999 and shall serve until succeeded by a magistrate  
2 elected at the general election in 2000. The elected  
3 magistrate's term of office shall begin on January 1, 2001.

4 Section 12. APPROPRIATIONS. --

5 A. The following amounts are appropriated from the  
6 general fund to the following entities for expenditure in  
7 fiscal year 2000 for the following purposes:

8 (1) five hundred twenty-seven thousand  
9 dollars (\$527,000) to the second judicial district to provide  
10 salaries and benefits and furniture, supplies and office  
11 equipment for two additional judgeships and support staff;

12 (2) seventy-two thousand dollars (\$72,000) to  
13 the office of the district attorney for the second judicial  
14 district to provide salaries and benefits for an assistant  
15 district attorney and support staff; and

16 (3) one hundred ninety-eight thousand dollars  
17 (\$198,000) to the public defender department to provide  
18 salaries and benefits and furniture, supplies and office  
19 equipment for additional public defenders and support staff.

20 B. The following amounts are appropriated from the  
21 general fund to the following entities for expenditure in  
22 fiscal year 2000 for the following purposes:

23 (1) two hundred sixty-four thousand dollars  
24 (\$264,000) to the sixth judicial district to provide salaries  
25 and benefits and furniture, supplies and office equipment for

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1 one additional judgeship and support staff;

2 (2) sixty-nine thousand dollars (\$69,000) to  
3 the office of the district attorney for the sixth judicial  
4 district to provide salaries and benefits for an assistant  
5 district attorney and support staff; and

6 (3) fifty thousand dollars (\$50,000) to the  
7 public defender department to contract for legal services.

8 C. The following amounts are appropriated from the  
9 general fund to the following entities for expenditure in  
10 fiscal year 2000 for the following purposes:

11 (1) two hundred sixty-four thousand dollars  
12 (\$264,000) to the eleventh judicial district to provide  
13 salaries and benefits and furniture, supplies and office  
14 equipment for one additional judgeship and support staff;

15 (2) sixty-nine thousand dollars (\$69,000) to  
16 the office of the district attorney for the eleventh judicial  
17 district, division two, to provide salaries and benefits for  
18 an assistant district attorney and support staff; and

19 (3) eighty-seven thousand dollars (\$87,000)  
20 to the public defender department to provide salaries and  
21 benefits and furniture, supplies and office equipment for an  
22 additional public defender and support staff.

23 D. The following amounts are appropriated from the  
24 general fund to the following entities for expenditure in  
25 fiscal year 2000 for the following purposes:

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1 (1) two hundred thirty-five thousand dollars  
2 (\$235,000) to the Bernalillo county metropolitan court to  
3 provide salaries and benefits and furniture, supplies and  
4 office equipment for an additional judge in division sixteen  
5 and support staff.

6 (2) two hundred thirty-five thousand dollars  
7 (\$235,000) to the Bernalillo county metropolitan court to  
8 provide salaries and benefits and furniture, supplies and  
9 office equipment for an additional judge in division seventeen  
10 and support staff;

11 (3) two hundred thirty-five thousand dollars  
12 (\$235,000) to the Bernalillo county metropolitan court to  
13 provide salaries and benefits and furniture, supplies and  
14 office equipment for an additional judge in division eighteen  
15 and support staff;

16 (4) two hundred thirty-five thousand dollars  
17 (\$235,000) to the Bernalillo county metropolitan court to  
18 provide salaries and benefits and furniture, supplies and  
19 office equipment for an additional judge in division nineteen  
20 and support staff;

21 (5) one hundred thirty-four thousand dollars  
22 (\$134,000) to the metro unit of the office of the district  
23 attorney for the second judicial district to provide salaries  
24 and benefits for assistant district attorneys and support  
25 staff; and

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1 (6) two hundred fifty-eight thousand dollars  
2 (\$258,000) to the public defender department to provide  
3 salaries and benefits and furniture, supplies and office  
4 equipment for additional public defenders and support staff.

5 E. The following amounts are appropriated from the  
6 general fund to the following entities for expenditure in  
7 fiscal year 2000 for the following purposes:

8 (1) one hundred sixty-three thousand dollars  
9 (\$163,000) to the administrative office of the courts to  
10 provide salaries and benefits and furniture, supplies and  
11 office equipment for two additional judgeships and support  
12 staff in the Dona Ana magistrate district;

13 (2) fifteen thousand dollars (\$15,000) to the  
14 office of the district attorney for the third judicial  
15 district to contract for legal services; and

16 (3) one hundred sixty thousand dollars  
17 (\$160,000) to the public defender department to provide  
18 salaries and benefits and furniture, supplies and office  
19 equipment for additional public defenders and support staff.

20 F. The following amounts are appropriated from the  
21 general fund to the following entities for expenditure in  
22 fiscal year 2000 for the following purposes:

23 (1) one hundred sixty-three thousand dollars  
24 (\$163,000) to the administrative office of the courts to  
25 provide salaries and benefits and furniture, supplies and

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1 office equipment for two additional judgeships and support  
2 staff in the San Juan magistrate district;

3 (2) forty-six thousand dollars (\$46,000) to  
4 the office of the district attorney for the eleventh judicial  
5 district, district attorney division 2, to provide a salary  
6 and benefits for an assistant district attorney; and

7 (3) one hundred sixty thousand dollars  
8 (\$160,000) to the public defender department to provide  
9 salaries and benefits and furniture, supplies and office  
10 equipment for additional public defenders and support staff.

11 G. The following amounts are appropriated from the  
12 general fund to the following entities for expenditure in  
13 fiscal year 2000 for the following purposes:

14 (1) eighty-two thousand dollars (\$82,000) to  
15 the administrative office of the courts to provide salaries  
16 and benefits and furniture, supplies and office equipment for  
17 one additional judgeship and support staff in the Santa Fe  
18 magistrate district;

19 (2) sixty-nine thousand dollars (\$69,000) to  
20 the office of the district attorney for the first judicial  
21 district to provide salaries and benefits for an assistant  
22 district attorney and support staff; and

23 (3) eighty-four thousand dollars (\$84,000) to  
24 the public defender department to provide salaries and  
25 benefits and furniture, supplies and office equipment for an

1 additional public defender and support staff.

2 H. Any unexpended or unencumbered balance  
3 remaining at the end of fiscal year 2000 shall revert to the  
4 general fund.

5 Section 13. EFFECTIVE DATE. --The effective date of the  
6 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 February 19, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 522  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, and thence referred to  
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,  
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22 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJ/HB 522

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

J: \99BillSWP\H0522

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3  
4 March 12, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 522

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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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21 Max Coll, Chair man  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 16 For 0 Against

Yes: 16

Excused: Watchman

Absent: None

J: \99BillSWP\H0522

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