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AN ACT

RELATING TO COURTS; TRANSFERRING CERTAIN DUTIES OF THE
ADMINISTRATIVE OFFICE OF THE COURTS TO INDIVIDUAL JUDICIAL
DISTRICTS; CREATING SUPERVISORY AUTHORITY FOR DISTRICT COURTS
OVER MAGISTRATE COURTS IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 35-1-37 NMSA 1978 (being Laws 1968,
Chapter 62, Section 39, as amended) is amended to read:

"35-1-37. MAGISTRATE COURT--PRESIDING MAGISTRATE.--In
magistrate districts where two or more divisions operate as a
single court, the chief district judge shall designate the
magistrate of one of the divisions as "presiding magistrate"
to perform administrative duties prescribed by the supreme
court."

SECTION 2. Section 35-2-3 NMSA 1978 (being Laws 1968,
Chapter 62, Section 43) is amended to read:

"35-2-3. QUALIFICATION--CERTIFICATE OF MAGISTRATE
QUALIFICATION.--

A. Within fifteen days after each general
election, the administrative office of the courts shall
notify each apparently successful candidate for the office of
magistrate of the requirements for qualification. Within
thirty days after election or appointment, each apparently
successful candidate and each appointee shall file with the

1 administrative office of the courts an application for
2 certificate of magistrate qualification. The application
3 shall be in a form prescribed by the administrative office of
4 the courts and shall include:

5 (1) the oath of office prescribed by the
6 constitution for public officers subscribed to by the
7 applicant;

8 (2) the applicant's certificate of election
9 or appointment; and

10 (3) evidence of the applicant's possession
11 of personal qualifications required by law.

12 B. Each applicant for a certificate of magistrate
13 qualification who has not previously held such a certificate
14 shall attend a qualification training program conducted by
15 the administrative office of the courts as a prerequisite to
16 the issuance of the applicant's first certificate. The
17 administrative office of the courts shall prescribe the
18 content of the qualification training program so as to inform
19 applicants with reference to judicial powers and duties.

20 C. Upon approval of the application and, when
21 required, upon the applicant's attendance at a qualification
22 training program, the administrative office of the courts
23 shall certify the applicant's initial qualification in
24 accordance with the requirements of law by issuing to the
25 applicant a "certificate of magistrate qualification". Each

1 magistrate shall post the certificate in a conspicuous place
2 in the magistrate's courtroom.

3 D. If not sooner suspended or revoked as provided
4 by law, each certificate of magistrate qualification
5 automatically expires at the end of the term to which the
6 magistrate is elected or appointed or when the magistrate's
7 successor in office is qualified, whichever is later.

8 E. Any magistrate who fails to complete the
9 requirements for initial qualification within forty-five days
10 of election or appointment shall be held to have resigned the
11 magistrate's office. The chief district judge shall certify
12 the existence of any magistrate vacancy to the governor and
13 notify the administrative office of the courts."

14 SECTION 3. Section 35-6-7 NMSA 1978 (being Laws 2003,
15 Chapter 240, Section 3) is amended to read:

16 "35-6-7. MAGISTRATE COURT--DRUG COURT FEE--MONTHLY
17 REMITTANCES.--A magistrate court that has an adult drug court
18 program may assess and collect from participants a "drug
19 court fee" of fifty dollars (\$50.00) a month. Program fee
20 requirements may be satisfied by community service at the
21 federal minimum wage. Proceeds from the drug court fee shall
22 be deposited in the drug court fund of the judicial district
23 established pursuant to Section 34-6-47 NMSA 1978."

24 SECTION 4. Section 35-7-1 NMSA 1978 (being Laws 1997,
25 Chapter 53, Section 1) is amended to read:

1 "35-7-1. MAGISTRATE COURTS--SUPERVISION BY THE SUPREME
2 COURT AND THE DISTRICT COURT IN THE JUDICIAL DISTRICT IN
3 WHICH THE COURT IS LOCATED.--The magistrate courts shall
4 operate under the direction and control of the supreme court
5 and the district court of the judicial district in which the
6 court is located. The district court shall provide
7 administrative support to the magistrate courts, under the
8 supervision of the supreme court."

9 SECTION 5. Section 35-7-3 NMSA 1978 (being Laws 1968,
10 Chapter 62, Section 98, as amended) is amended to read:

11 "35-7-3. MAGISTRATE ADMINISTRATION--STANDARDIZED
12 MONTHLY REPORTS.--Each magistrate court, under the
13 supervision of the district court, shall file a standardized
14 monthly report with the administrative office of the courts
15 not later than the date each month established by the
16 director of the administrative office of the courts. The
17 report shall itemize all fines, forfeitures and costs
18 imposed, received and disbursed by the magistrate during the
19 previous month or indicate that none were imposed, received
20 or disbursed. One copy of the report shall be retained by
21 the magistrate court. The administrative office of the
22 courts shall audit and adjust each report in accordance with
23 the facts and file the reports in its office for a period of
24 five years."

25 SECTION 6. Section 35-7-5 NMSA 1978 (being Laws 1968,

1 Chapter 62, Section 100, as amended) is amended to read:

2 "35-7-5. MAGISTRATE ADMINISTRATION--PUBLIC MONEY--
3 COMMINGLING--TRUST FUND BANK ACCOUNT.--

4 A. All money collected by a magistrate court in
5 connection with civil and criminal actions is public money of
6 the state held in trust by the district court within the same
7 judicial district until disbursed in accordance with law.
8 Public money shall not be commingled with personal funds of
9 the magistrate or any other funds.

10 B. Every district court shall maintain a special
11 trust fund checking account for the magistrate courts in its
12 judicial district in a convenient bank insured by the federal
13 deposit insurance corporation and shall deposit all public
14 money into the account within two banking days after its
15 receipt."

16 SECTION 7. Section 35-7-10 NMSA 1978 (being Laws 1968,
17 Chapter 62, Section 105, as amended) is amended to read:

18 "35-7-10. MAGISTRATE ADMINISTRATION--CLERICAL
19 ASSISTANTS.--Within appropriations and budgetary limitations,
20 the district court may employ and select clerical assistants
21 for magistrates."

22 SECTION 8. Section 35-7-11 NMSA 1978 (being Laws 1968,
23 Chapter 62, Section 106, as amended) is amended to read:

24 "35-7-11. MAGISTRATE ADMINISTRATION--FINANCES.--Except
25 as otherwise specifically provided by law, all salaries and

1 expenses of the magistrate court shall be paid by the state
2 treasurer upon warrants of the secretary of finance and
3 administration, supported by vouchers approved by the chief
4 district judge and in accordance with budgets approved by the
5 state budget division of the department of finance and
6 administration." _____

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