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HOUSE BILL 150

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Terry H. McMillan

AN ACT

RELATING TO MAGISTRATE JUDGES; PRESCRIBING CERTAIN FILING
REQUIREMENTS FOR CANDIDATES FOR MAGISTRATE JUDGES IN COUNTIES
WITH A POPULATION OF MORE THAN TWO HUNDRED THOUSAND PERSONS.

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

SECTION 1. Section 35-2-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 41, as amended) is amended to read:

"35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--

A. Each magistrate shall be a qualified elector of,
and reside in, the magistrate district for which the magistrate
is elected or appointed.

B. No person is eligible for election or
appointment to the office of magistrate unless the person has
graduated from high school or has attained the equivalent of a
high school education as indicated by possession of a

.195672.1

underscored material = new
[bracketed material] = delete

1 certificate of equivalency issued by the public education
2 department based upon the record made on the general
3 educational development test.

4 C. In magistrate districts with a population of
5 more than two hundred thousand persons in the last federal
6 decennial census, no person is eligible for election to the
7 office of magistrate unless the person:

8 (1) at the time of filing a declaration of
9 candidacy, submits to the county clerk proof that the person is
10 a member of the bar of this state and licensed to practice law
11 in this state; or

12 (2) holds the office of magistrate in that
13 district when the federal decennial census is published, as
14 long as there is no break in service.

15 D. In magistrate districts with a population of
16 more than two hundred thousand persons in the last federal
17 decennial census, no person is eligible for appointment to the
18 office of magistrate unless the person is a member of the bar
19 of this state and licensed to practice law in this state.

20 E. A person holding the office of magistrate shall
21 not engage in the private practice of law during tenure in
22 office."